



November 10, 2023

# Your State House Concord, New Hampshire



To my constituents in Allenstown, Dunbarton, Epsom, & Hooksett,

This week, my committee finished its work on 2023 bills.

HB 105, registering medical spas, was killed since the industry was not in favor of the bill. They kept raising issues and problems with the concept, so the sponsor finally gave up. HB 183, allowing instructors at the fire academy to exceed the part-time limit for retirees, without penalties, was killed as unnecessary. Very few retirees exceed the limit, and few teach at the academy: we felt this would be a special exemption for only a few people.

HB 274, on the administrative rulemaking process, was amended to remove the original bill and simply improve legislative involvement early in the process, notably on rules authorized by new legislation. The amended version also provided that, in case of a rule adopted over a final objection by JLCAR – but not a resolution barring it – an agency whose rule was found invalid in court had to pay the plaintiff's legal fees, in addition to withdrawing the rule. Final objections are rare – there's been one since 2013 – and agencies even more rarely adopt a rule in that case. We voted to adopt the amendment and recommend the bill.

HB 428, on mental health practice, was killed because its content was included in another bill which has become law. HB 449, on Group II retirement benefits, was killed because the recommendations of the commission on retirement will be brought forward in the similar HB 436, which has already passed the House once and was retained in Finance.

HB 518, a study commission on the regulation of pharmacists, had been rejected by the committee as unnecessary: we could study that, in any sort of group, without a bill, and we weren't convinced that it even needed study. So, we totally replaced that language with some cleanup of the OPLC recodification we passed in HB 655. Since this was non-germane to the original purpose of the bill, we held a hearing on the amendment on Monday.

SB 106, creating an alternative pathway to the “emerging professional” credential in child care, gave career & technical high school students who completed the child care program an industry recognized certificate that would also give them higher pay if they worked in the field. We all liked the idea, but none of the child care credentials are defined in statute – HHS has authority to create them in rules. So, at the beginning of the summer, we asked HHS to do this in rules. No action – and, in fact, none of the other credentials are defined in actual rules! They have pamphlets and “guidance” on these credentials, but no rules. So we recommended SB 106 to pass.

All seven of these bills passed unanimously and went on the consent calendar of non-controversial bills.

HB 644, exempting various beauty procedures from licensing, had a minor amendment to remove language that had been included in other bills. This was approved quickly, and then we debated the propriety of exempting hair styling, makeup application, and eyebrow threading from licensing. Threading was an issue for one representative who didn't understand that the operator's hands are *not* near the eye during the procedure; he was also worried about sanitation and the possibility of eye damage from careless mascara application. As the discussion faded, one member brought up the issue



# Your State House

## Concord, New Hampshire



of (no license required!) face painting as presenting the same concerns as this bill...The vote was 12-7, as three Democrats joined all Republicans in favor.

Finally, we debated Dan's HB 559, which creates a defined contribution retirement plan for new state employees (other than police and fire.) The amendment greatly simplified the original bill – it had been worked out in the spring between Dan and the other cosponsors – plus it increased the employer contribution from the same as current employees (currently only 2.5%) to a minimum of 5% of salary. This increase resulted in at least 12% of salary being set aside for retirement, which is in the appropriate range recommended by various experts. The amendment passed, 14-6, as it was a major improvement over the original bill. The bill itself was a partisan tie, 10-10, as I expected.

Also last week, the OPLC oversight committee met for the last time this year. We discussed their progress with rulemaking, including fee setting, and went over the strategic plan. Finally we heard from three members of the public who had concerns, all of them valid.

The first, a member of the Manchester Board of Assessors was concerned that there were no rules for certification, and that the advisory board had not been appointed yet. I assured him that the previous rules on certification are still in effect, despite the transfer of the Assessing Certification Board. Director Courtney mentioned that the law only became effective in early October, and one member of the advisory board has been selected.

A former investigator for the Board of Medicine, who appreciates that the OPLC is contracting with experts for investigations and that the investigation is separate from adjudications, to minimize

conflicts of interest, is concerned that there still is a large backlog of cases being investigated, and that physicians need to be involved in the initial screening of complaints.

An electrical contractor, on the electricians' board, believes that the board is losing resources: specifically, offices and vans for the electrical inspectors. He believes that communication between boards, licensees, and the OPLC needs to improve and be more visibly improving.

To finish off the week, the commission on the retirement system also met for the last time. We heard the actuary's report on some possible changes, and debated one, which returned the pension multiplier to 2.5 % after ten years of service, applicable if the person served to the applicable age and years of service before retiring. The opposition included the local employers, who were concerned that this applied to *all* Group II (police, fire and corrections) employees, including future hires. That required them to increase the employer's contributions indefinitely. The Republican legislators were concerned about the one-time payment of \$50 million, which would be nearly all the current surplus; they preferred the cheaper option that applied the multiplier increase after 15 years. The commission voted 8-6 to recommend this plan to the legislature, and Rep. Leishman, who has HB 436 retained in his committee, was charged with getting an amendment to implement it.

We also discussed Senator Gray's recommendation to allow the state to make matching contributions to the deferred compensation plan. This is necessary because the current law *forbids* any state contribution to the plan; the opposition didn't see this as enabling but rather as a way to avoid funding a true COLA. The vote was 7-7, so the motion failed.



# Your State House Concord, New Hampshire



We recapped the commission's legislative recommendations (today's multiplier increase, Senator Soucy's setting vesting at 5 years, and my definition of mandatory overtime as base pay) then discussed the other items the commission was concerned with, namely COLAs and the possibility of including part time employees in the retirement system. These are complex and rather contentious, so the commission didn't have time to resolve them. We left them as open issues for the future.



*Carol McGuire*

Representative Carol McGuire  
[carol@mcguire4house.com](mailto:carol@mcguire4house.com)  
782-4918