



Your State House Concord, New Hampshire



February 9, 2024

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

This week, my committee continued with public hearings. HB 1331, creating a limited license for foreign dentists, had testimony from the sponsor, and the dental society, which was opposed. After some discussion, we voted to recommend killing the bill, partly because the scope of practice of the limited license was not defined, and partly because we felt the bill was spurred by problems at the dental board, which are being (slowly) resolved. We weren't opposed to bringing in foreign dentists; we just didn't want to define the qualifications, limitations, and protections we felt were needed but not included in the bill.

HB 1222, on physician assistant (PA) scope of practice, was a learning opportunity as few of us were familiar with the technical requirements for the PA license (although most of us had been treated by one!) It is a "mid level" profession, more skilled and trained than a technician or a nurse, at about the same level as an advanced practice nurse. The bill would delete the requirement for a "collaboration agreement" with a doctor, simply require the PA to consult with the appropriate member of the medical team. The medical society and doctors were opposed, asserting that a PA is not trained to work alone. I got the impression that the doctors feared PA's hanging out their shingle in competition with doctors, while most actually work independently in clinics, hospitals, and other large practices. This bill went to subcommittee, as did all the other bills we heard Tuesday.

HB 1385, establishing the veteran licensing acceleration program, was primarily a new program in the state department of veterans' affairs,

where one major task is analyzing military training and experience and relating it to licensing requirements. The bill created a new title, which the department interpreted as the same people and essentially the same duties as they already have; I'm not sure that this is necessary, but the subcommittee will take a look.

HB 1131, on mental health practice, allows private outpatient clinics the same flexibility that non-profit clinics seem to already have: namely hiring graduates and putting them to work immediately, not needing a specific supervision agreement approved by the board before they start. This topic is intertwined with the change to supervision agreements we heard in HB 1413, so the two bills will be worked together.

HB 1526, creating a conditional veterinarian license for those educated in other countries, would allow them to work for New Hampshire licensed veterinarians while they were preparing to take the clinical proficiency examination. This is the last step in the well-established qualification process for the veterinary license, and typically takes over a year to complete, and **must** be done in this country. The other steps can be done anywhere. Apparently US veterinary schools include a year of clinical practice, but not all foreign schools do, or at least not to the satisfaction of the veterinarian education community.

Wednesday, we met to vote on 20 bills, including all the ones that would go to a second committee (usually Finance) if they passed the House. Impressively, nearly all recommendations were unanimous – the subcommittees had done very good work and the full committee endorsed their results.

HB 1647, the commission recommendation for GII retirement calculations, had an amendment to only



Your State House Concord, New Hampshire



grant the improved pension multiplier after age 60 or the specified age and years of service combination. This had been considered by the retirement commission and narrowly defeated as a recommendation, but adopted by the subcommittee as a cost reduction measure. It brought the cost of this change down to the range the Republican commission members were willing to spend. After some explanations and discussion, we approved the amendment and the bill.

HB 1211, temporarily increasing the hours a retired member could work in a part time job without penalty, was recommended to be killed. The increase brought the allowable part time hours very close to full time, and we knew that very few retirees actually work that much. We didn't believe that raising the limit would help with recruitment or retention.

HB 1307, a supplemental appropriation for disability retirees, was introduced because the cost of living payment last year was only given to retirees who had worked at least 20 years. Disability can occur at any length of service, and we felt that disabled retirees should have been included in that stipend. An amendment raised the maximum qualifying pension for this payment from \$30,000 to \$50,000 – most disability retirees are from GII, and do not receive Social Security, so their pensions are higher than Group 1, which also receives Social Security payments.

HB 1653 and HB 1673, both measures to restore overtime and extra duty pay to its onetime value for GII pensions, went to interim study because they were very costly, and would also increase the costs of HB 1647 – which everyone agreed was the more important bill.

HB 1421, changing the investment advisory process for the retirement system, was quickly

killed at the sponsor's request, once he realized he'd misunderstood the current process. HB 1299, adding fire educators at the community college to GII, was not unanimous at first. The subcommittee, wanting to encourage New Hampshire firefighters to educate the next generation of firefighters, had developed an amendment to require 20 years of active service before qualifying to continue in GII. Most of the committee didn't want to create special exceptions for one or two people, so the amendment failed, 12-8, then we killed the bill unanimously.

HB 1324, on green burials and natural organic reduction of human remains, went to interim study as there were too many open issues in the latter. Green burials are already legal; we eliminated the requirement for embalming some years ago.

HB 1466, emergency aid to towns, had the amendment I'd developed with the subcommittee. This radically simplified the aid process in the bill by eliminating the involvement of the department of safety: the town just asked the Fiscal Committee for some money. Safety would get involved as the town applied for disaster relief, especially federal. The committee appreciated the simplification and the cost reduction, so it was recommended to pass as amended.

HB 1689, restricting the data that could be shared from Vital Records to the department of Health & Human services, went to interim study, as recommended by the subcommittee. This was contentious, as five members of the committee supported individual privacy rights over other functions of state government that used this data. I was concerned myself, but I voted for interim study because the bill was unworkable as written: the sponsors didn't understand the current process and had failed to realize that some personal information is needed for government uses. For



Your State House

Concord, New Hampshire



example, the retirement system needs to know when a retiree dies so they can stop his pension and pay his beneficiaries as he directed.

HB 1070, forbidding state employees from violating civil rights during an emergency, was killed as unnecessary: we had passed a law last session banning the governor from issuing such an order, and didn't want employees to split hairs trying to decide if an executive order violated civil liberties. Any blame in such a scenario should be directed to the person issuing the orders.

HB 1454, benefits for childcare employees, was killed as inappropriate. It would allow childcare agencies to enroll their workers in the state employee health plan, which would vastly complicate the expense of running the plan. It did not address the issue of part time workers (prevalent in the childcare field) and would require the employer (and/or employee) to pay the full cost of the benefit, likely resulting in higher prices for child care as the state plan is full featured and relatively expensive.

HB 1112, establishing a mandate for continuing education on human trafficking for all health care professionals, was killed as excessive. The committee agreed that they should learn about human trafficking, but a course every two years was excessive. Continuing education about human trafficking is widely available for most health care professions, according to testimony.

HB 1427, creating licensing and regulations for "deputy physicians" was killed without much debate. We weren't convinced of the need and opposed to the effort needed to try to create the training from scratch.

HB 1601, extending the contract of the executive director of the prescription drug affordability board

from two years to four, and exempting board contracts from review by the fiscal committee, was killed as granting the board too much authority without oversight.

HB 1401, on various licenses, was amended to remove several sections: most of the changes to the board of nursing; the elimination of the LNA (licensed nursing assistant) license in favor of relying on the federal certification; and the repeal of the board for medical imaging technicians and the associated licenses. The board of nursing is actually functional, and with over 30,000 licensees they don't have the problems smaller professions do with recruiting active board members. If only the federal certification applies to LNAs, then the state would not be able to require a criminal background check – and we heard most LNA licenses have to be reviewed by the board for imperfect criminal records! Medical imaging technicians testified against the repeal and that the board worked well; many on the committee agreed that public safety merited this license. The bill, as amended, still repeals the board of registration for medical technicians, which is wholly non-functional and has *never* been able to meet since only one person has ever agreed to serve on the board!

HB 1679, changing to Atlantic time, went to interim study as even the sponsors agreed their were technical issues with the bill; we didn't want to kill it because we haven't had the standard time vs daylight saving time (aka Atlantic time) debate and HB 1075 (ending time changes and staying on standard time) has been postponed to a March vote so we can work on it together.

HB 1394, regulation of music therapists, had a housekeeping amendment adopted without disagreement: it corrects the OPLC references to agree with the changes we made last year.



Your State House Concord, New Hampshire



However, the vote on the bill itself was a partisan 10-10 split: the Democrats in favor and Republicans opposed. No surprise; it had been that way last year, when we had an identical bill, which died in committee of conference.

HB 1676, the sunset commission for professional licenses, had a subcommittee amendment that completely rewrote the statement of purpose, deleted the regulatory board repeals that agitated so many licensees, and revised the composition of the commission. This amendment was debated at some length, with the main opposition points being that there were no licensees on the commission; that we don't need any more commissions; and the purpose of the commission remained decreasing regulations. It passed, 16-4, but the bill itself failed, 9-11. At that point, a motion of interim study passed (unanimously) as the opponents agreed to work on including this regulatory review into the scope of the existing OPLC oversight committee.

Thursday, the House session started out by recognizing a new Republican representative, who had changed his party affiliation from Democrat. This gave us an actual majority in Concord (201 R, 194 D, 3 I, and 2 vacancies.) We later heard that a Republican-leaning independent had resigned after moving out of his district, and a Democrat had died. So we're at 201 R, 193 D, 2 I, and 4 vacancies, at least two of which will not be filled at this point.

Then we reconsidered HB 1002, which would allow towns and agencies charge up to \$25/hour for right to know requests that took over ten hours to process. I had opposed the bill last week, because it could create a chilling effect on individual requests; but I'm not opposed to allowing charges for extreme requests and research projects. After some debate, with some claiming

that new information had surfaced, we voted to reconsider, 195-183. A motion to table failed, 126-254, and the bill was recommitted to the judiciary committee on a voice vote. That's the proper place to consider any new information and strike a better balance between the public's right to know about government actions and the town's burden of complying with wide-open requests.

HB 1048, extending the deadline on Holocaust and genocide education, passed without comment. HB 1166, exempting Junior ROTC and Civil Air Patrol students from the naturalization test required for high school graduation, was not really debated. The committee had recommended against creating the exemption, and two representatives spoke in favor of killing the bill – nobody spoke for it. It was then killed on a voice vote, as was HB 1206, prohibiting indoctrination in schools.

One representative spoke eloquently and at length about HB 1553, which would create a pilot program to offer “spelling to communicate” for autistic or apraxic students. Apparently this technique can provide a way to communicate for some students who do not respond effectively to normal speech-language therapy; the therapists were opposed as it was considered “assisted” communication and not a valid result. I've never heard of it, but the speakers mentioned that after this program, some autistic people were able to communicate by typing (and various text to speech converters are readily available now.) I therefore voted in favor of trying this out, but lost: the bill was killed, 202-178.

HB 1561 was the first of three bills expanding qualifications for education freedom accounts (EFAs). This one granted access to the program, regardless of family income, for marginalized students: those persistently bullied; immuno-compromised; under-performing students and all



Your State House Concord, New Hampshire



students in under-performing schools; LGBT or those with divergent gender identities; and those afflicted with mental illness or eating disorders. All in all, a rather random list of people who are less likely to flourish in a traditional public school. After a very long debate, with proponents talking about children who needed special situations and the opponents talking about the expense of the program, it was not passed, 185-197, killed on a voice vote, and not reconsidered, 189-192.

HB 1634, removing the income limit for EFAs, was likewise debated at some length, with the arguments on both sides very similar to those we'd heard on HB 1561. Same result, as the bill was not passed, 186-194, killed on a voice vote, and not reconsidered, 188-193.

After lunch, we debated HB 1665, which raised the income limit from 350% to 500% of federal poverty level, which would actually be just over the state median income. Mostly the same arguments, but this bill passed, 190-189! It was sent to Finance for consideration, but the chair declined to accept it: at that point, reconsideration failed, 186-192.

HB 1590, prohibiting government procurement of electric vehicles with components produced by forced labor, had a brief debate with the sponsor before being killed, 294-84. I spoke, mentioning that we had a bill about government procurement of electric vehicles already in interim study, but our main argument was that these materials (cobalt, lithium, rare earths...) are used in many other products government agencies (and citizens!) buy and use: phones, laptops, magnets...

HB 1116, expanding allowable pistols used for hunting, was debated over the dangers of hunting in populated areas and passed, 221-157.

HB 1662, would forbid employees in the department for children, youth and families (DCYF) to also work for adoption agencies. This would eliminate a potential conflict of interest since DCYF removes children from their families in cases of abuse or neglect, and these children are (we hope) adopted. This was debated, with the opponents insisting that it's not been a problem in New Hampshire. The bill was not passed, 188-190, not tabled, 188-190, then killed, 190-187. I voted for it because preventing a conflict of interest is better than dealing with it after it appears.

HB 1396, forbidding municipal inspections of owner occupied units in multi-family housing, was debated and killed, 195-182. This was a repeat of a bill from last year that passed the House but was killed in the Senate.

HB 1045, requiring a powerboat operator to wear an engine cut off switch, passed without comment.

HB 1049, repealing the prohibition on overnight mooring of houseboats, has subjected us to hundreds of emails from lakeside property owners opposed to random boats mooring overnight off their property. "Houseboats" here means any boat with bunk and toilet facilities, not necessarily full living quarters. A member from Wolfeboro moved indefinite postponement, and that was debated. The intent of the bill was to allow people who don't own lakefront property enjoy boating – and all lakes and ponds over ten acres are the property of the state, not the town or the nearby residents. It was killed, 324-53, and won't be back this year after the indefinite postponement. I voted against killing it and would have voted to pass the bill.

HB 1429, establishing a procedure for state-owned dams to be transferred to towns, passed without comment.



Your State House Concord, New Hampshire



HB 1700, banning the release of a long list of polluting emissions, from excess radio or microwave emissions to cloud seeding and weather modification, was debated by the sponsor, who made a long speech filled with conspiracy theories. It was killed, 315-58.

HB 1062, clarifying that only one cover plate (like legislative plates) need be displayed on a vehicle, passed, 198-177, without debate. HB 1138, equalizing fines for operating a snowmobile, OHRV or automobile with a suspended license, passed without comment.

HB 1228, establishing a guides committee to set the qualifications for being a hunting or fishing guide, was debated as to the usefulness of such a committee, considering that many applicants failed the oral tests. It was killed, 312-16, on the assurances that Fish & Game would put previous test questions on their website, and work with Education on preparing the tests.



Carol McGuire

Representative Carol McGuire
carol@mcguire4house.com
(603) 782-4918