LEGISLATIVE COMMITTEE MINUTES

HB337

Bill as Introduced

HB 337-FN - AS AMENDED BY THE HOUSE

14Feb2023... 0180h

2023 SESSION

23-0077
06/04

HOUSE BILL ***337-FN***

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

SPONSORS: Rep. Merchant, Sull. 6; Rep. Ulery, Hills. 13; Rep. C. McGuire, Merr. 27; Rep. Rochefort, Graf. 1; Rep. Cushman, Hills. 28; Sen. Carson, Dist 14; Sen. Prentiss, Dist 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings.

Explanation: Matter added to current law appears in ***bold italics.***
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HB 337-FN - AS AMENDED BY THE HOUSE

14Feb2023... 0180h

23-0077
06/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 New Paragraphs; Office of Professional Licensure and Certification; Notifications. Amend RSA 310-A:1-d by inserting after paragraph V the following new paragraphs:

VI. All boards, councils, and commissions within the office of professional licensure and certification shall notify the public of any public meeting no less than 14 days prior to the meeting. All materials distributed to the board, council, or commission for the meeting shall be available to the public no less than 7 days prior to the meeting, provided the materials do not contain information exempt from disclosure under RSA 91-A:5. The chair of the board, council, or commission shall be permitted to add items to the agenda within 7 days of a meeting if, in the chair's discretion, the public's interest in the board addressing the matter outweighs the public's interest in timely access to materials associated with the new agenda item. In such circumstances, materials shall be made available to the public as soon as reasonably practicable. If it is not practicable to make available to the public at least one day prior to a meeting, enough paper copies shall be made available at the meeting location prior to the start of the meeting.

VII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for comment from the public, virtually or in person, at public meetings, in a manner established by the board, council, or commission chair.

VIII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for the public to submit written comments on matters before the board, council, or commission.

2 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0077
Revised 2/28/23
Amended 2/15/23

HB 337-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-0180h)

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2023**	**FY 2024**	**FY 2025**	**FY 2026**
Appropriation	$0	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Up to $94,000	Up to $99,000	Up to $102,000
Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Office of Professional Licensure and Certification Fund			

METHODOLOGY:

This bill requires all boards, councils, and commission within the Office of Professional Licensure and Certification to provide notice of public meetings no less than 14 days prior to meetings, material from the meetings to be shared no less than seven days prior to the meeting, as well as an opportunity for comments from the public and written comments on matters before the board, council, or commission from the public.

The Office of Professional Licensure and Certification (OPLC) states this bill creates new obligations for all boards, councils and commissions within the OPLC allowing comments from the public, both in person and remote, as well as accepting written comments on pending decisions. The OPLC states the amendment creates different standards for boards, councils, and commissions than other governing public bodies under RSA 91-A. The OPLC indicates the new requirements and obligations could be significant administrative work to the boards, councils and commissions. The OPLC states if they are required to review all materials before they are made public as an administrative service to the boards, councils, and commissions the OPLC would require one additional Attorney II level position to ensure proper experience, costing around $94,000 in their first year of hiring, assuming the individuals are hired at labor grade 28, step 1 with an assumed increase in steps and pay each year. The OPLC notes they may need clarity on the interpretations of emergency hearings under RSA 541-A:30, III and how it interacts with RSA 91-A:5 as there does not appear to be a carve out for emergency hearings governed by RSA 91-A:5.

It is assumed any fiscal impact from this bill will not occur until FY 2024.

This bill does not establish or provide an appropriation for new positions.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

HB 337-FN - AS AMENDED BY THE SENATE

14Feb2023... 0180h
05/18/2023 1908s

2023 SESSION

23-0077
06/04

HOUSE BILL ***337-FN***

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COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings. This bill also establishes an attorney II position for the office of professional licensure and certification.

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VII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for comment from the public, virtually or in person, at public meetings, in a manner established by the board, council, or commission chair. This section shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary and non-disciplinary remedial proceedings conducted by boards, councils, and commissions within the office of professional licensure and certification.

VIII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for the public to submit written comments on matters

before the board, council, or commission. This section shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary and non-disciplinary remedial proceedings conducted by boards, councils, and commissions within the office of professional licensure and certification.

2 Office of Professional Licensure and Certification; New Classified Position; Appropriation

I. One attorney II position, labor grade 28, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be a charge against the office of professional licensure and certification fund.

3 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0077
Revised 2/28/23
Amended 2/15/23

HB 337-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-0180h)

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FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

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Funding Source:	[X] General [ ] Education [ ] Highway [X] Other - Office of Professional Licensure and Certification Fund			

METHODOLOGY:

This bill requires all boards, councils, and commission within the Office of Professional Licensure and Certification to provide notice of public meetings no less than 14 days prior to meetings, material from the meetings to be shared no less than seven days prior to the meeting, as well as an opportunity for comments from the public and written comments on matters before the board, council, or commission from the public.

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This bill does not establish or provide an appropriation for new positions.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

HB 337-FN - AS AMENDED BY THE SENATE

14Feb2023... 0180h
05/18/2023 1908s

2023 SESSION

23-0077
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HOUSE BILL ***337-FN***

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position.

SPONSORS: Rep. Merchant, Sull. 6; Rep. Ulery, Hills. 13; Rep. C. McGuire, Merr. 27; Rep. Rochefort, Graf. 1; Rep. Cushman, Hills. 28; Sen. Carson, Dist 14; Sen. Prentiss, Dist 5

COMMITTEE: HOUSE Executive Departments and Administration OTP/A 20-0 CONSENT
HOUSE FINANCE: OTP 25-0 SENATE EDDA: OTP/A 4-0

AMENDED ANALYSIS

This bill directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings. This bill also establishes an attorney II position for the office of professional licensure and certification.

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2 Office of Professional Licensure and Certification; New Classified Position; Appropriation

I. One attorney II position, labor grade 28, is hereby established as a classified position in the office of professional licensure and certification.

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3 Effective Date. This act shall take effect 60 days after its passage.

LBA
23-0077
Revised 2/28/23
Amended 2/15/23

HB 337-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2023-0180h)

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FISCAL IMPACT: [X] State [ ] County [ ] Local [ ] None

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AGENCIES CONTACTED:

Office of Professional Licensure and Certification

HB 337-FN - VERSION ADOPTED BY BOTH BODIES

14Feb2023... 0180h
05/18/2023 1908s

2023 SESSION

23-0077
06/04

HOUSE BILL ***337-FN***

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COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

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VETOED August 8, 2023

LBA
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METHODOLOGY:

This bill requires all boards, councils, and commission within the Office of Professional Licensure and Certification to provide notice of public meetings no less than 14 days prior to meetings, material from the meetings to be shared no less than seven days prior to the meeting, as well as an opportunity for comments from the public and written comments on matters before the board, council, or commission from the public.

The Office of Professional Licensure and Certification (OPLC) states this bill creates new obligations for all boards, councils and commissions within the OPLC allowing comments from the public, both in person and remote, as well as accepting written comments on pending decisions. The OPLC states the amendment creates different standards for boards, councils, and commissions than other governing public bodies under RSA 91-A. The OPLC indicates the new requirements and obligations could be significant administrative work to the boards, councils and commissions. The OPLC states if they are required to review all materials before they are made public as an administrative service to the boards, councils, and commissions the OPLC would require one additional Attorney II level position to ensure proper experience, costing around $94,000 in their first year of hiring, assuming the individuals are hired at labor grade 28, step 1 with an assumed increase in steps and pay each year. The OPLC notes they may need clarity on the interpretations of emergency hearings under RSA 541-A:30, III and how it interacts with RSA 91-A:5 as there does not appear to be a carve out for emergency hearings governed by RSA 91-A:5.

It is assumed any fiscal impact from this bill will not occur until FY 2024.

This bill does not establish or provide an appropriation for new positions.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

Amendments

Sen. Pearl, Dist 17
May 8, 2023
2023-1686s
06/10

Amendment to HB 337-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; New Paragraphs; Office of the Professional Licensure and Certification; Notifications. Amend RSA 310-A:1-d by inserting after paragraph V the following new paragraphs:

VI. All boards, councils, and commissions within the office of professional licensure and certification shall notify the public of any public meeting no less than 14 calendar days prior to the meeting. All governmental records, as defined in RSA 91-A:1-a, III, distributed to the board, council, or commission for the meeting shall be made available to the public no less than 7 calendar days prior to the meeting, provided that the governmental records do not contain information exempt from disclosure under RSA 91-A:5, or other applicable law. The chair of the board, council, or commission shall be permitted to add items to the agenda within 7 calendar days of a meeting if, at the chair's discretion, the public interest in the board addressing the matter outweighs the public's interest in timely access to governmental records associated with the new agenda item. In such circumstances, governmental records shall be made available to the public as soon as reasonably practicable. If it is not practicable to make available to the public at least one day prior to a meeting, paper copies of governmental records associated with the new agenda item shall be made available at the meeting location upon request, provided the governmental records to be considered have undergone legal review to identify information exempt from disclosure. This section shall not apply to emergency meetings conducted pursuant to RSA 91-A:2; emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary and non-disciplinary adjudicative or remedial proceedings conducted by the office of professional licensure and certification.

VII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for comment from the public, virtually or in person, at public meetings, in a manner established by the board, council, or commission chair. This section shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary and non-disciplinary remedial proceedings conducted by the office of professional licensure and certification.

VIII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for the public to submit written comments on matters before the board, council, or commission. This section shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary and non-disciplinary remedial proceedings conducted by the office of professional licensure and certification.

2 Office of Professional Licensure and Certification; New Classified Position; Appropriation

I. One attorney II position, labor grade 28, is hereby established as a classified position in the office professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I is hereby appropriated he executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be a charge against the office of professional licensure and certification fund.

3 Effective Date. This act shall take effect 60 days after its passage.

UNAPPROVED

2023-1686s

AMENDED ANALYSIS

This bill directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings.

UNADOPTED AMENDMENT

Sen. Pearl, Dist 17
May 16, 2023
2023-1898s
06/10

Amendment to HB 337-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Office of Professional Licensure and Certification; Notifications. Amend RSA 310-A:1-d by inserting after paragraph V the following new paragraphs:

VI. All boards, councils, and commissions within the office of professional licensure and certification shall notify the public of any public meeting no less than 14 calendar days prior to the meeting. All governmental records, as defined in RSA 91-A:1-a, III, distributed to the board, council, or commission for the meeting shall be available to the public no less than 7 calendar days prior to the meeting, provided the governmental records do not contain information exempt from disclosure under RSA 91-A:5 or other applicable law. The chair of the board, council, or commission shall add items to the agenda within 7 calendar days of a meeting if, at the chair's discretion, the public's interest in the board addressing the matter outweighs the public's interest in timely access to governmental records associated with the new agenda item. In such circumstances, governmental records shall be available to the public as soon as reasonably practicable. If it is not practicable to make available to the public at least one day prior to a meeting, then paper copies of governmental records associated with the new agenda item shall be available at the meeting location upon request, provided the governmental records to be considered have undergone legal review to identify information exempt from disclosure. In such instances, materials associated with the new agenda item shall undergo legal review and be made available to the public with 7 calendar days of the public meeting. This section shall not apply to emergency meetings conducted pursuant to RSA 91-A:2; emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary and non-disciplinary adjudicative or remedial proceedings conducted by boards, councils, and commissions within the office of professional licensure and certification.

VII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for comment from the public, virtually or in person, at public meetings, in a manner established by the board, council, or commission chair. This section shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary

and non-disciplinary remedial proceedings conducted by boards, councils, and commissions within the office of professional licensure and certification.

VIII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for the public to submit written comments on matters before the board, council, or commission. This section shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary and non-disciplinary remedial proceedings conducted by boards, councils, and commissions within the office of professional licensure and certification.

2 Office of Professional Licensure and Certification; New Classified Position; Appropriation

I. One attorney II position, labor grade 28, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be a charge against the office of professional licensure and certification fund.

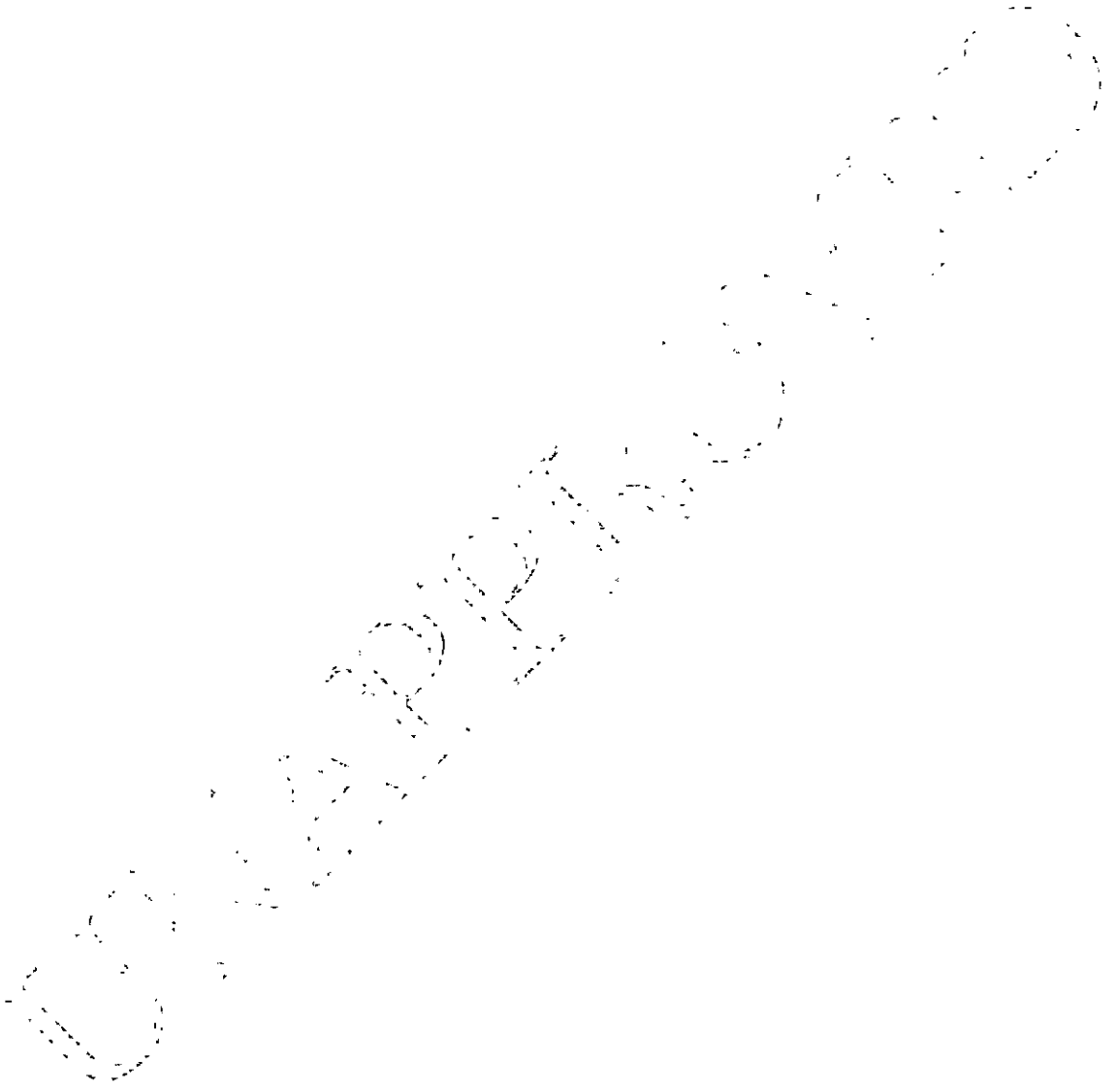
3 Effective Date. This act shall take effect 60 days after its passage.

DRAFT

2023-1898s

AMENDED ANALYSIS

This bill directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings. This bill also establishes an attorney II position for the office of professional licensure and certification.



Senate Executive Departments and Administration
May 17, 2023
2023-1908s
06/10

Amendment to HB 337-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position.

Amend the bill by replacing all after the enacting clause with the following:

1 New Paragraphs; Office of Professional Licensure and Certification; Notifications. Amend RSA 310-A:1-d by inserting after paragraph V the following new paragraphs:

VI. All boards, councils, and commissions within the office of professional licensure and certification shall notify the public of any public meeting no less than 14 calendar days prior to the meeting. All governmental records, as defined in RSA 91-A:1-a, III, distributed to the board, council, or commission for the meeting shall be available to the public no less than 7 calendar days prior to the meeting, provided the governmental records do not contain information exempt from disclosure under RSA 91-A:5 or other applicable law. The chair of the board, council, or commission shall add items to the agenda within 7 calendar days of a meeting if, at the chair's discretion, the public's interest in the board addressing the matter outweighs the public's interest in timely access to governmental records associated with the new agenda item. In such circumstances, governmental records shall be available to the public as soon as reasonably practicable. If it is not practicable to make available to the public at least one day prior to a meeting, then paper copies of governmental records associated with the new agenda item shall be available at the meeting location upon request, provided the governmental records to be considered have undergone legal review to identify information exempt from disclosure. In such instances, materials associated with the new agenda item shall undergo legal review and be made available to the public with 7 calendar days of the public meeting. This section shall not apply to emergency meetings conducted pursuant to RSA 91-A:2; emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary and non-disciplinary adjudicative or remedial proceedings conducted by boards, councils, and commissions within the office of professional licensure and certification.

VII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for comment from the public, virtually or in person, at public meetings, in a manner established by the board, council, or commission chair. This section shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary

and non-disciplinary remedial proceedings conducted by boards, councils, and commissions within the office of professional licensure and certification.

VIII. All boards, councils, and commissions within the office of professional licensure and certification shall provide an opportunity for the public to submit written comments on matters before the board, council, or commission. This section shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III; and disciplinary and non-disciplinary remedial proceedings conducted by boards, councils, and commissions within the office of professional licensure and certification.

2 Office of Professional Licensure and Certification; New Classified Position; Appropriation

I. One attorney II position, labor grade 28, is hereby established as a classified position in the office of professional licensure and certification.

II. The amount necessary to pay for the position established in paragraph I is hereby appropriated to the executive director of the office of professional licensure and certification. Salaries and necessary expenses shall be a charge against the office of professional licensure and certification fund.

3 Effective Date. This act shall take effect 60 days after its passage.

2023-1908s

AMENDED ANALYSIS

This bill directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings. This bill also establishes an attorney II position for the office of professional licensure and certification.

Committee Minutes

SENATE CALENDAR NOTICE
Executive Departments and Administration

Sen Howard Pearl, Chair
Sen Sharon Carson, Vice Chair
Sen Carrie Gendreau, Member
Sen Rebecca Perkins Kwoka, Member
Sen Debra Altschiller, Member

Date: April 19, 2023

HEARINGS

Wednesday	04/26/2023
(Day)	(Date)

Executive Departments and Administration	State House 103	9:00 a.m.
(Name of Committee)	(Place)	(Time)

9:00 a.m.	**HB 337-FN**	relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.
9:15 a.m.	**HB 215**	relative to the adoption of rules by the department of health and human services regarding medication administration by licensed nursing assistants.
9:30 a.m.	**HB 136**	relative to the department of health and human services collaborating and holding a roll call vote on final proposal of rules with the advisory council prior to departmental rulemaking.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 337-FN

Rep. Merchant
Rep. Cushman
Rep. Ulery
Sen. Carson
Rep. C. McGuire
Sen. Prentiss
Rep. Rochefort

HB 215

Rep. M. Pearson
Rep. J. Murphy
Rep. McMahon
Rep. Nagel
Rep. Palmer

HB 136

Rep. Merchant

Phil Jasak 271-1403

Howard Pearl
Chairman

Senate Executive Departments and Administration Committee

Phil Jasak 271-1403

HB 337-FN, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

Hearing Date: April 26, 2023

Members of the Committee Present: Senators Pearl, Carson, Gendreau, Perkins Kwoka and Altschiller

Members of the Committee Absent : None

Bill Analysis: This bill directs the office of professional licensure and certification to provide to the public notice of its meetings and an opportunity to comment in such meetings.

Sponsors:

Rep. Merchant	Rep. Ulery	Rep. C. McGuire
Rep. Rochefort	Rep. Cushman	Sen. Carson
Sen. Prentiss		

Who supports the bill: Rep. Gary Merchant, Rep. Diane Schuett, Steve Rancourt (ECBA), Curtis Howland, James Gardner, Zephan Wood, Rogena Hugo.

Who opposes the bill: None
Who is neutral on the bill: Doug Osterhoudt (OPLC)

Summary of testimony presented:

Prime Sponsor
Representative Merchant

- Rep. Merchant introduced HB 337 and stated that this bill came out of a study committee last summer.
- What became evident through the study committee was that there was a need for appropriate notices for when the meeting is going to be held and providing the public documents to review prior to the meeting.
- Rep. Merchant provided the committee with his own realization once he left the pharmacy board. Rep. Merchant was a member of the board for 10 years and stated that the board received submission of the documents so the board was always prepared for public meetings. However, individuals on the other side of the meetings had no idea what the board was talking about as they either didn't

have the documents being discussed or they didn't have enough time to review them before the meetings.

- Emphasized that HB 337 had broad bipartisan support as it passed the house committee 20-0, was amended, then passed the finance committee 25-0, then passed the house 387-0.
- Rep. Merchant stated that the essence of HB 337 is to allow people who are busy, as the licensees work for a living, a two week written notice of the public hearing and a one week sharing of documents. This increase of review time will allow the public to review the documents and to make comments at the public meetings.
- Provided that this bill includes an exemption with documents that are subject to RSA 91A, which will not be released to the public. This would protect the integrity of the boards or commissions.
- Sen. Altschiller asked with a 14 day notice, whether there is a mechanism where the board could gather and act quickly on specific issues.
    - Rep. Merchant responded that to his understanding that would be covered under RSA 91A as an emergency board meeting.
    - Sen. Altschiller followed up and said that she understands the frustration completely. Further asked whether there was any leeway to the proposed notice and document review times and why propose 7 days instead of 48 hours for time to review documents.
    - Rep. Merchant responded that the 7 day provision came from his experience of receiving the documents on the board. Further stated that the only time exemptions were made were in emergency meetings which were covered, and that if the board wanted to add something to the public hearing at the last minute they could, they just could not act on it.
- Sen. Pearl asked what the size of these documents are.
    - Rep. Merchant stated that from his experience on the pharmacy board the size of the documents varies but are similar to the size of bills that come through the state legislature.

Diane Schuett

- Rep. Schuett stated that this amendment was due to an incorrect RSA reference in the original bill. This amendment corrected the RSA which negated the need for a fiscal note.
- Explained that the other changes in the amendment were language changes to clarify what information was going to be provided to the public. This satisfied the sponsor's desire for transparency while maintaining a level of protection of certain information that OPLC felt necessary to keep confidential.

Doug Osterhoudt

- Mr. Osterhoudt stated that the office of professional licensure and certification takes no position on HB 337, but he is here to highlight some concerns the office has made.
- First concern Mr. Osterhoudt highlighted was that all the boards under OPLC comply with RSA 91A, which governs access to governmental records and meetings. Under this RSA meetings must be noticed at least 24 hours in advance and there is no obligation to provide materials to the public prior to the

meeting. The proposed language would mandate the boards administratively attached to OPLC to comply with RSA 91A and to this bill.

- Mr. Osterhoudt provided an example of the boxing and wrestling commission and stated that with HB 2 and this proposed language these boards responsibilities would be flipped on its head as it must comply with a 14-day notice and a 7-day mandate to provide materials. Raised the question why these OPLC boards are being singled out, as they are the only boards required to comply with these mandates.
- Stated that the boards attached to OPLC already provide meeting dates a year in advance, all meetings are posted on the OPLC website, and the boards already provide opportunity for public comment and written comment. These practices wouldn't change, they would just now be mandated by law.
- Mr. Osterhoudt second concern regarded the legal implementation of HB 337 which dealt with last minute changes to meeting agendas and emergency situations. Exempt materials under this proposed language would need to go under thorough legal review before dissemination to the public. This would require extensive and thorough work on the part of OPLC to review documents and strike confidential language from them, especially as larger boards would have document packets reaching hundreds of pages long.
- Mr. Osterhoudt brought up the concern over the fiscal note and stated that with the implementation of this bill, the OPLC would have to hire an attorney to make sure there is adequate experience and provided that would start at around $94,000 annually.
- Boards already receive information related to board meetings five days in advance. Stated that OPLC uses software system called OnBoard for these documents which prohibits the sharing and printing of documents. This requires members to read and review these documents on OnBoard. This system is designed to protect the confidentiality of certain information in those packets.
- Highlighted the concern the OPLC has with unintentional disclosure of sensitive, exempt, and identifiable information.
- A fourth concern Mr. Osterhoudt noted is on the language that permits the chair of the board to add additional items to the agenda within 7 days of a meeting. Noted that the OPLC foresees a situation where the board chair adds an item to the agenda a day before the meeting which does not give enough time for a thorough legal review materials associated with the new agenda item. The OPLC's concern with this language is that as paper copies are mandated to be provided in this situation, there could be unintended consequences such as public harm from unauthorized disclosures of confidential information.
- Brought up the concerns of the general counsel of DOJ, that this bill only addresses regular meetings and not emergency meetings which are subject to RSA 541-A:33.
- Mr. Osterhoudt concluded that there is uncertainty with requiring materials to be provided. He added that the confusion lays with whether this has the same meaning as governmental records under RSA 91 A. Another issue of clarity is the result if a board failed to meet its obligations.

- Sen. Carson asserted that this bill is from a study committee from last year and not once did anybody from OPLC raise any of the concerns that Mr. Osterhoudt testified about.
    - Mr. Osterhoudt stated that he knew he was going to come in today and disappoint a lot of people with his testimony. Stated that he was not able to attend the hearing in the house and that the OPLC agrees with the intent of this bill and minor language changes could be made to fix some of these concerns raised by OPLC.
    - Sen. Carson stated there seems to be a disconnect within OPLC and that this is very concerning as OPLC is about to be given a huge amount of responsibility with HB 2 and other bills regarding the restructure of the Office. Concluded that it seems that OPLC won't be able to the bills that are granting them more power with control over the boards.
    - Mr. Osterhoudt responded that if it is the will of the committee to pass this bill OPLC will make it happen.
- Sen. Altschiller brought up Mr. Osterhoudt's second concern and asked where the justification is for making test questions and scoring keys available to the public, further wondered how HB 337 would impact the way those boards administer materials to the public.
    - Mr. Osterhoudt responded that the boards would still have full access to the materials and that HB 337 would not impede this process of dissemination. Further stated that a lot of the materials that would not be disclosed would be the physical paper documents such as test questions. Added that the boards would still be able to have those conversations, but in a non-public session, the concern is over unintentional disclosure because of the requirements of the proposed language.
    - Sen. Altschiller followed up and raised the issue of standards and testing with these professional boards, and asked how testing questions and information stays confidential under RSA 91 A and OPLC's legal review.
    - Mr. Osterhoudt responded that under RSA 91-A:4 an individual can request any of the meeting materials discussed at a meeting after the meeting took place. When OPLC receives these 91 A requests, the request is usually specified to a particular section of the meeting, not the entire meeting. These materials would go under legal review, anything that could be disclosed would be and anything that would be exempt under RSA 91-A:5 would be redacted with a legal justification.
    - Sen. Altschiller asked if there was anything that prevented an individual from requesting the entirety of the boards meeting minutes or meeting materials.
    - Mr. Osterhoudt responded no there is no mechanism preventing anybody from doing that.
    - Sen. Altschiller clarified that the OPLC would go through the labor of redacting all confidential information on a 200 page document or other material.
    - Mr. Osterhoudt responded yes they would, and that OPLC is required to send these materials within 5 days. However, if the request cannot be

completed within that time frame, the OPLC will send a letter to the requester as an acknowledgment of receipt and will take a reasonable amount of time to complete the request.

Virginia Hugo

- Provided her personal experience as she stated licensees of her profession have failed to be adequately notified by her professional board.
- Stated that she would have appreciated more of an honest effort from the professional board to adequately notice and publish public minutes.
- Emphasized her disappointment with their sub-par communication as public meetings and public comment are vital for these boards, and the only way license holders can communicate their concerns and recommendations legally with license board members.

PJ
Date Hearing Report completed: May 5, 2023

Speakers

SENATE EXECUTIVE DEPARTMENTS & ADMINISTRATION COMMITTEE

Date 04/26/23 Time 9:00 A.M. Public Hearing on **HB 337**

relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

Please check box(es) that apply.

SPEAKING	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
✓ ☐	☑	☐	Steve- Rancourt,	Electrical Contractors Business Assoc
✓ ☑	☑	☐	Rep Gary Merchant	Self
✓ ☑	☐	☐	Douglas Osterhoudt	OPLC
✓ ☒	☐	☐	REP DIANNE SCHUETT	on behalf of House EU&A
☐	☐	☐	REGINA HUOT	
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Senate Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB337 on 2

Support: 4 Oppose: 0

Name	Title	Representing	Position
Howland, Curtis	A Member of the Public	Myself	Support
Gardner, James	A Member of the Public	Myself	Support
Wood, Zephan	A Member of the Public	Myself	Support
Hugo, Rogena	A Member of the Public	Myself	Support

Testimony

State of New Hampshire

REPRESENTATIVE GARY MERCHANT
SULLIVAN, DISTRICT 6

Testimony HB 337
Senate – Executive Departments and Administration
April 26, 2023

Good morning, Mr. Chairman, members of the Senate Executive Departments and Administration, and members of the public. For the record, I am Representative Gary Merchant for Sullivan County, District #6, representing Claremont, and Croydon.

SB 330 passed in 2022 created a legislative committee to study and make recommendations relative to the office of professional licensure and certification and the licensure of professions under boards, councils, and commissions within the office.

While serving on this legislative committee during the summer of 2022, members of the committee heard from licensees and interested parties about the importance of attending meetings. However, as most licensees actively work in their profession, it requires them to adjust a robust work schedule to attend a meeting. Without sufficient notice, most said they could not adjust the schedule in time to attend. Those in attendance stated a two week notice of a meeting should provide enough time to alter a work schedule necessary to attend a meeting.

Another concern expressed during committee meetings was that many documents reviewed by a board or commission during a meeting are not available to the licensees, interested parties, or the public; and if when available, it is done with limited time for review prior to a meeting.

The intent of HB 337 is to provide a reasonable two week notice of meetings and to create greater transparency to licensees, interested parties, and the public regarding entities within the office of professional licensure and certification. It excludes sharing of documents before a meeting that are exempt from disclosure under RSA 91-A.

For these reasons, I ask the committee to support HB 337 as amended and recommend Ought to Pass to the full Senate.

Respectfully,

Gary Merchant

272 Pleasant Street
Claremont, NH 03743
603-558-1389
gary.merchant@leg.state.nh.us

House Bill 337 Testimony

Good morning,

My name is Rogena Hugo. I am a Licensed Alcohol and Drug Counselor here to testify in support of House Bill 337. As a license holder, I strongly advocate for every office of professional licensure and certification to provide notice of public meetings and give an opportunity for public comment. My personal experience is, I have been failed to be adequately notified by the office that certifies me and other members of this profession regarding the recent rule changes for MLADC licensure requirements. Over the past 9 months, I have invested a significant amount of time and finances towards pursuing a license aligned with requirements set at that time. I most likely can no longer continue to work towards this license due to the changed requirement without setting back my personal family goals.

I would have appreciated more of an honest effort from the board that governs my certification to adequately render notice of public sessions and to publish public minutes in a timely fashion. I sincerely am disappointed in missing the opportunity to voice my concerns during public comment due to sub-par communication. Public meetings and public comment are vital as it is the only way a license holder or public member can legally communicate with members of a licensing board. I support this bill as it will ensure that I and other licensee's and applicants will receive a professional curtesy of notice of public meetings and be given the opportunity to voice concerns and collaborate as most of the information discussed in these sessions directly impact license holders and applicants. Thank you for your time and consideration.

April 25, 2023

Charles R. Powell
New Hampshire Board
of Accountancy
7 Eagle Square
Concord, NH 03301

New Hampshire State Legislature
Committee: Executive Departments and Administration

Re: House Bill 337—Letter of Concern

Dear Members of the Committee:

I write in my capacity as a member of the New Hampshire Board of Accountancy (the "Board") and as the Chair of the Legislation Committee charged with monitoring legislation relative to the Board. This letter concerns HB 337 which is scheduled for hearing on April 26, 2023 at 9:00 A.M.

The goal of this letter is to make the Committee aware of the Board's concerns as to HB 337. HB 337 will inhibit Board action in two important ways. HB 337 requires notice of meetings at least fourteen (14) days prior thereto (the "14 Day Rule"). HB 337 also requires that materials to be considered at any such meeting be made available to the public at least seven (7) days prior to the meeting or, where deemed necessary by the Board chair, at the meeting but prior to the start of the meeting. These new strictures are unworkable and damage the public interest in the Board's view.

In this regard, under current requirements, only 24 hour notice of a meeting is necessary. This means that, where necessary, the Board can take rapid action. As one example, there may be a circumstance where a licensee is acting in a manner immediately harmful to the public interest. Under that circumstance, the Board would need to meet on an expedited basis to request the involvement of the Enforcement Unit of the OPLC in an effort to halt the objectionable conduct. Under the new 14 Day Rule, however, the Board would be constrained and unable to act for two weeks. This diminishes the Board's ability to protect the public interest in such exigent circumstances.

Moreover, HB 337's requirement that materials be made available before the meeting commences also is not workable. In this regard, materials are sometimes

provided during or just prior to the meeting for the Board's consideration. The Board then makes determinations in "real time" as to whether the subject materials should first be considered in a nonpublic meeting pursuant to NH §RSA 91-A for the protection of involved parties. During the nonpublic portion of the meeting, the Board can then openly deliberate and make further determinations as to when and if such materials are appropriate for public disclosure. These determinations by the Board are permitted under applicable law and are important to protect the reputations of involved parties until such time as public disclosure is deemed necessary and appropriate. HB 337 removes the Board's discretion in that regard and potentially subjects innocent parties to unwarranted reputational damage.

The proposed requirements under HB 337 will drastically change the Board's process as mentioned above and, in so doing, will jeopardize the public interest. The Board opposes HB 337.

Very truly yours,

/s/ Charles R. Powell
Member, Board of Accountancy.
Chair, Legislation Committee

Michael Hoffman

From: Charles R. Powell <cpowell@devinemillimet.com>
Sent: Wednesday, April 26, 2023 8:07 AM
To: Michael Hoffman; Janet Clayman
Cc: Goulet, Shane; Rich
Subject: RE: HB 337-FN
Attachments: Statement of Board of Accountancy Charles R. Powell re HB337 4877-6463-8047 v.pdf

Caution! This message was sent from outside your organization.

Dear Mr. Hoffman and Ms. Clayman:
I am writing in follow up to the below email thread. As you may recall, I am a member of the Board of Accountancy and you both graciously assisted me in submitting comments to HB 337. As HB 337 is again under consideration before the Senate Executive Departments and Administration Committee today, I am writing to determine if you could forward the attached letter to the appropriate person to have this before the committee for the hearing (I believe in Room 103) at 9:00 AM this morning. Our counsel Shane Goulet had anticipated that his office would hand deliver it but they have had illnesses this morning which may render that impossible. Is this something that you could do for us? Please let me know as I am unaware of which office I should otherwise write to in order to have these comments before the committee this morning.

Thank you for any help that you can provide.

Best,
Charles R. Powell
Member, Board of Accountancy

From: Charles R. Powell
Sent: Friday, March 3, 2023 10:07 AM
To: michael.hoffman@leg.state.nh.us
Cc: Goulet, Shane <Shane.D.Goulet@oplc.nh.gov>
Subject: FW: HB 337-FN

Dear Mr. Hoffman:

This is in follow up to a discussion earlier today with Janet Clayman. My emails to her will not go through and she graciously gave me your contact information.

I am a member of the Board of Accountancy and the Board has asked me to forward its concerns about HB 337 as stated in the attached letter. Could you kindly bring this letter to the Committee's attention for consideration in the Division Work Session scheduled for today at 10:30 am? We would greatly appreciate it.

Best regards,
Charles Powell
Board of Accountancy

April 25, 2023

Charles R. Powell
New Hampshire Board
of Accountancy
7 Eagle Square
Concord, NH 03301

New Hampshire State Legislature
Committee: Executive Departments and Administration

Re: House Bill 337—Letter of Concern

Dear Members of the Committee:

I write in my capacity as a member of the New Hampshire Board of Accountancy (the "Board") and as the Chair of the Legislation Committee charged with monitoring legislation relative to the Board. This letter concerns HB 337 which is scheduled for hearing on April 26, 2023 at 9:00 A.M.

The goal of this letter is to make the Committee aware of the Board's concerns as to HB 337. HB 337 will inhibit Board action in two important ways. HB 337 requires notice of meetings at least fourteen (14) days prior thereto (the "14 Day Rule"). HB 337 also requires that materials to be considered at any such meeting be made available to the public at least seven (7) days prior to the meeting or, where deemed necessary by the Board chair, at the meeting but prior to the start of the meeting. These new strictures are unworkable and damage the public interest in the Board's view.

In this regard, under current requirements, only 24 hour notice of a meeting is necessary. This means that, where necessary, the Board can take rapid action. As one example, there may be a circumstance where a licensee is acting in a manner immediately harmful to the public interest. Under that circumstance, the Board would need to meet on an expedited basis to request the involvement of the Enforcement Unit of the OPLC in an effort to halt the objectionable conduct. Under the new 14 Day Rule, however, the Board would be constrained and unable to act for two weeks. This diminishes the Board's ability to protect the public interest in such exigent circumstances.

Moreover, HB 337's requirement that materials be made available before the meeting commences also is not workable. In this regard, materials are sometimes

provided during or just prior to the meeting for the Board's consideration. The Board then makes determinations in "real time" as to whether the subject materials should first be considered in a nonpublic meeting pursuant to NH §RSA 91-A for the protection of involved parties. During the nonpublic portion of the meeting, the Board can then openly deliberate and make further determinations as to when and if such materials are appropriate for public disclosure. These determinations by the Board are permitted under applicable law and are important to protect the reputations of involved parties until such time as public disclosure is deemed necessary and appropriate. HB 337 removes the Board's discretion in that regard and potentially subjects innocent parties to unwarranted reputational damage.

The proposed requirements under HB 337 will drastically change the Board's process as mentioned above and, in so doing, will jeopardize the public interest. The Board opposes HB 337.

Very truly yours,

/s/ Charles R. Powell
Member, Board of Accountancy
Chair, Legislation Committee

Voting Sheets

Senate Executive Departments & Administration Committee

EXECUTIVE SESSION RECORD

2023-2024 Session

Hearing date: 4/26

H **Bill #** 337

Executive Session date: 5/17

Motion of: OTP **Vote:**

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	✓				
Sen. Carson,VC	✓	✓			
Sen. Gendreau	✓		✓		
Sen. Perkins-Kwoka					
Sen. Altschiller	✓				

Motion of: 1898s **Vote:** 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	✓			✓	
Sen. Carson,VC	✓	✓		✓	
Sen. Gendreau	✓		✓	✓	
Sen. Perkins-Kwoka					
Sen. Altschiller	✓			✓	

Motion of: OTP-A **Vote:** 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	✓			✓	
Sen. Carson,VC	✓	✓		✓	
Sen. Gendreau	✓		✓	✓	
Sen. Perkins-Kwoka					
Sen. Altschiller	✓			✓	

Motion of: **Vote:**

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair					
Sen. Carson,VC					
Sen. Gendreau					
Sen. Perkins-Kwoka					
Sen. Altschiller					

Motion of:_____ **Vote:**_____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson, VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson, VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson, VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson, VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Motion of:_____ **Vote:**_____

Committee Member	Present	Made by	Second	Yes	No
Sen. Pearl, Chair	☐	☐	☐	☐	☐
Sen. Carson, VC	☐	☐	☐	☐	☐
Sen. Gendreau	☐	☐	☐	☐	☐
Sen. Perkins-Kwoka	☐	☐	☐	☐	☐
Sen. Altschiller	☐	☐	☐	☐	☐

Reported out by: Carson

Notes:_____

.Senate Finance Committee

EXECUTIVE SESSION

Bill # HB 337-FN

Hearing date: N/A

Executive session date: 05/23/23

Motion of: OTP VOTE: 6-0

Made by	Gray	☐	**Seconded**	Gray	☐	**Reported**	Gray	☐
Senator:	Innis	☐	**by Senator:**	Innis	☐	**by Senator:**	Innis	☐
	Bradley	☐		Bradley	☐		Bradley	☐
	Birdsell	☐		Birdsell	☑		Birdsell	☐
	Pearl	☑		Pearl	☐		Pearl	☑
	D'Allesandro	☐		D'Allesandro	☐		D'Allesandro	☐
	Rosenwald	☐		Rosenwald	☐		Rosenwald	☐

Motion of: _____ VOTE: _____

Made by	Gray	☐	**Seconded**	Gray	☐	**Reported**	Gray	☐
Senator:	Innis	☐	**by Senator:**	Innis	☐	**by Senator:**	Innis	☐
	Bradley	☐		Bradley	☐		Bradley	☐
	Birdsell	☐		Birdsell	☐		Birdsell	☐
	Pearl	☐		Pearl	☐		Pearl	☐
	D'Allesandro	☐		D'Allesandro	☐		D'Allesandro	☐
	Rosenwald	☐		Rosenwald	☐		Rosenwald	☐

Committee Member	***Present***	**Yes**	**No**	***Reported out by***
Senator Gray , Chairman	☑	☑	☐	☐
Senator Innis, Vice-Chair	☒	☐	☐	☐
Senator Bradley	☑	☑	☐	☐
Senator Birdsell	☑	☑	☐	☐
Senator Pearl	☑	☑	☐	☑
Senator D'Allesandro	☑	☑	☐	☐
Senator Rosenwald	☐	☑	☐	☐

Amendments: _____

_____

_____

Notes: _____

_____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, May 17, 2023

THE COMMITTEE ON Executive Departments and Administration

to which was referred **HB 337-FN**

AN ACT	relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 1908s

Senator Sharon Carson
For the Committee

Phil Jasak 271-1403

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

HB 337-FN, relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public.
Ought to Pass with Amendment, Vote 5-0.
Senator Sharon Carson for the committee.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, May 23, 2023

THE COMMITTEE ON Finance

to which was referred **HB 337-FN**

AN ACT relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 6-0

Senator Howard Pearl
For the Committee

Deb Martone 271-4980

General Court of New Hampshire - Bill Status System

Docket of HB337

Docket Abbreviations

Bill Title: (New Title) relative to directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment from the public, and creating a new attorney II position.

Official Docket of **HB337.:**

Date	Body	Description
1/9/2023	H	**Introduced** (in recess of) 01/05/2023 and referred to Executive Departments and Administration **HJ 3** P. 12
1/11/2023	H	Public Hearing: 01/19/2023 10:45 am LOB 306-308
1/24/2023	H	Subcommittee Work Session: 01/27/2023 10:30 am LOB 306-308
2/2/2023	H	Executive Session: 02/08/2023 01:00 pm LOB 306-308
2/9/2023	H	Committee Report: Ought to Pass with Amendment **#2023-0180h** 02/08/2023 **(Vote 20-0; CC) HC 11** P. 7
2/14/2023	H	Amendment **#2023-0180h**: AA VV 02/14/2023 **HJ 5**
2/14/2023	H	**Ought to Pass with Amendment** 2023-0180h: MA VV 02/14/2023 **HJ 5**
2/14/2023	H	Referred to Finance 02/14/2023 **HJ 5**
2/16/2023	H	Division Work Session: 02/21/2023 10:30 am LOB 212
2/23/2023	H	Division Work Session: 03/03/2023 10:30 am LOB 212
3/16/2023	H	Executive Session: 03/20/2023 01:00 pm LOB 210-211
3/21/2023	H	Committee Report: Ought to Pass 03/21/2023 (Vote 25-0; RC)
4/6/2023	H	**Ought to Pass**: MA **RC** 387-0 04/06/2023 **HJ 12** P. 202
4/11/2023	S	Introduced 03/30/2023 and Referred to Executive Departments and Administration; **SJ 13**
4/19/2023	S	**Hearing:** 04/26/2023, Room 103, SH, 09:00 am; **SC 19**
5/17/2023	S	Committee Report: Ought to Pass with Amendment **#2023-1908s**, 05/18/2023; **SC 22A**
5/18/2023	S	Committee Amendment **#2023-1908s**, AA, VV; 05/18/2023; **SJ 15**
5/18/2023	S	**Ought to Pass with Amendment** 2023-1908s, MA, VV; Refer to Finance Rule 4-5; 05/18/2023; **SJ 15**
5/23/2023	S	Committee Report: Ought to Pass, 06/01/2023; **SC 24**
6/1/2023	S	**Ought to Pass**: MA, VV; OT3rdg; 06/01/2023; **SJ 16**
6/15/2023	H	House Concurs with Senate Amendment 2023-1908s (Reps. C. McGuire, Weyler): MA VV 06/15/2023 **HJ 16** P. 2
7/27/2023	S	Enrolled Adopted, VV, (In recess 06/29/2023); **SJ 20**
7/28/2023	H	Enrolled (in recess of) 06/29/2023 **HJ 17** P. 18
8/10/2023	H	Vetoed by Governor Sununu 08/08/2023 **HJ 17**

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 337 **Senate Committee:** EDA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee
X All Calendar Notices
X Hearing Sign-up sheet(s)
X Prepared testimony, presentations, & other submissions handed in at the public hearing
X Hearing Report
___ Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 1686s X - amendment # 1896s
X - amendment # 1908s ___ - amendment # _____

X Executive Session Sheet
X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____
___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
___ Enrolled Bill Amendment(s)
___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

X as amended by the senate ___ as amended by the house
___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Phillip Jask — **Committee Aide**

7/7/23 — **Date**

Senate Clerk's Office AK

Senate Inventory Checklist for Archives

Bill Number: HB 337-FN **Senate Committee:** FINANCE - 2ND Comm Bill

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

___ All Calendar Notices

___ Hearing Sign-up sheet(s)

___ Prepared testimony, presentations, & other submissions handed in at the public hearing

___ Hearing Report

X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment # _____ ___ - amendment # _____

___ - amendment # _____ ___ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

X Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Martone
Committee Aide

07/11/23
Date

Senate Clerk's Office AK

CHRISTOPHER T. SUNUNU
Governor

STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

August 8, 2023

Governor's Veto Message Regarding House Bill 337

By the authority vested in me, pursuant to part II, Article 44 of the New Hampshire Constitution, on August 8, 2023, I have vetoed House Bill 337, relative to directing the Office of Professional Licensure and Certification to provide notice of public meetings and an opportunity for comment from the public and creating a new attorney II position.

This bill creates different standards for the boards administratively attached to the Office of Professional Licensure and Certification (OPLC) than other public bodies subject to RSA 91-A. Currently, public bodies are required to post a public notice 24 hours in advance and records become available for public inspection after the completion of the meeting. This bill would require OPLC to notice meetings 14 days in advance and provide materials pertaining to those meetings seven days prior to the meeting. This bill would essentially require a legal review for every document this would need to be released in advance.

While I believe more transparency is important in state government, House Bill 337 would be unreasonable and burdensome for OPLC to implement, especially while the office is still working on implementing the major legislative achievements we've passed this session.

Additionally, there is no justification for singling out OPLC and holding them to a different standard than every other public entity in New Hampshire. This bill would open the door for carve-outs for other state agencies, eroding the uniformity among state and local governments that follow RSA 91-A.

For the reasons stated above, I have vetoed House Bill 337.

Respectfully submitted,

Christopher T. Sununu
Governor

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