LEGISLATIVE COMMITTEE MINUTES

HB517

Bill as Introduced

HB 517 - AS INTRODUCED

2023 SESSION

23-0487
05/04

HOUSE BILL ***517***

AN ACT relative to background checks for surrogate parents.

SPONSORS: Rep. Myler, Merr. 9; Rep. Woodcock, Carr. 1; Rep. Cornell, Hills. 22; Rep. Tanner, Sull. 5

COMMITTEE: Education

ANALYSIS

This bill requires a surrogate parent for special education to undergo a criminal history records check.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 517 - AS INTRODUCED

23-0487
05/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to background checks for surrogate parents.

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

1 New Paragraph; Special Education; Surrogate Parents; Criminal History Records Check. Amend RSA 186-C:14 by inserting after paragraph III the following new paragraph:

III-a. The department shall complete a criminal history records check of each surrogate parent as it would a credentialing applicant pursuant to RSA 189:13-c. The department shall adopt rules under RSA 541-A, relative to the procedures for conducting criminal history records checks of surrogate parents.

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

HB 517 - VERSION ADOPTED BY BOTH BODIES

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CHAPTER 88
HB 517 - FINAL VERSION

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HB 517 - FINAL VERSION

23-0487
05/04

STATE OF NEW HAMPSHIRE

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88:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 20, 2023
Effective Date: August 19, 2023

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Daryl Abbas, Member
Sen Rebecca Whitley, Member
Sen Shannon Chandley, Member

Date: April 26, 2023

HEARINGS

Tuesday	05/02/2023
(Day)	(Date)

Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.	**HB 517**	relative to background checks for surrogate parents.
1:15 p.m.	**HB 397**	relative to the prohibition of the possession of hypodermic needles by minors.
1:30 p.m.	**HB 376**	establishing a committee to study the current education, training, and requirements for personnel employed as emergency dispatchers and 911 telecommunicators for police, fire, and emergency medical organizations.
1:45 p.m.	**HB 287**	removing testing equipment from the definition of drug paraphernalia in the controlled drug act.
2:00 p.m.	**HB 114**	relative to the age at which a minor may receive mental health treatment without parental consent.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

HB 517

Rep. Myler	Rep. Woodcock	Rep. Cornell	Rep. Tanner

HB 397

Rep. Phillips	Rep. Yokela	Rep. Layon	Rep. Love
Rep. Popovici-Muller			

HB 376

Rep. Trottier	Rep. Bordes		

HB 287

Rep. Newell	Rep. Read	Rep. Popovici-Muller	Rep. Wheeler
Rep. Seibert			

HB 114

Rep. Bouchard	Rep. Cannon	Rep. Almy	Rep. M. Smith
Rep. Levesque	Rep. Shurtleff	Rep. Long	Rep. Infantine
Rep. Beaulieu	Rep. Burroughs	Sen. Watters	Sen. Soucy

Matthew Schelzi 271-3266

Sharon M. Carson
Chairman

Senate Judiciary Committee

Matthew Schelzi 271-3266

HB 517, relative to background checks for surrogate parents.

Hearing Date: May 2, 2023

Time Opened: 1:00 p.m. **Time Closed:** 1:05 p.m.

Members of the Committee Present: Senators Carson, Gannon, Abbas, Whitley and Chandley

Members of the Committee Absent : None

Bill Analysis: This bill requires a surrogate parent for special education to undergo a criminal history records check.

Sponsors:
Rep. Myler Rep. Woodcock Rep. Cornell
Rep. Tanner

Who supports the bill: None.

Who opposes the bill: None.

Who is neutral on the bill: Diana Fenton.

Summary of testimony presented in support: None.

Summary of testimony presented in opposition: None.

Neutral Information Presented:

Senator Whitley introduced HB 517 on behalf of the prime sponsor, Representative Mel Myler. She said this bill would require a surrogate parent for special education to undergo a criminal history records check.

Diana Fenton, Attorney with the Department of Education, said this bill was brought at the request of the Department. She said educational surrogates do undergo a background check because of the Department's administrative rules. However, there is no enabling language for the background check in current law. She said the Department of Safety is working with the Department of Education to clean up certain

statutes, and they would like to put that enabling language into law. RSA 189:13-c is the law which outlines the background check that the Department of Education conducts when they certify educators. This law would also make it so the Department of Education is consistent across the board with disqualifying offenses, and there would not be any discretion by the Department.

mjs
Date Hearing Report completed: May 5, 2023

Speakers

Senate Judiciary Committee
SIGN-IN SHEET

Date: Tuesday May 2nd, 2023 **Time:** 1:00 p.m.

HB 517 AN ACT relative to background checks for surrogate parents.

Name/Representing *(please print neatly)*

Diana Fenton	Support ☐	Neutral ☒	Oppose ☐	Speaking?	Yes ☒	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐
	Support ☐	Neutral ☐	Oppose ☐	Speaking?	Yes ☐	No ☐

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2023-2024 Session

Bill # HB 517

Hearing date: 5/2

Executive Session date: 5/9

Motion of: OTP **Vote:** 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	☐	☐	☑	☐
Sen. Gannon, V-Chair	☐	☐	☑	☐
Sen. Ward	☐	☐	☑	☐
Sen. Whitley	☑	☐	☑	☐
Sen. Chandley	☐	☑	☑	☐

Motion of: Consent **Vote:** 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson , Chair	☐	☐	☑	☐
Sen. Gannon, V-Chair	☐	☐	☑	☐
Sen. Ward	☐	☐	☑	☐
Sen. Whitley	☑	☐	☑	☐
Sen. Chandley	☐	☑	☑	☐

Motion of: _____ **Vote:** _____

Committee Member	Made by	Second	Yes	No
Sen. Carson , Chair	☐	☐	☐	☐
Sen. Gannon, V-Chair	☐	☐	☐	☐
Sen. Ward	☐	☐	☐	☐
Sen. Whitley	☐	☐	☐	☐
Sen. Chandley	☐	☐	☐	☐

Reported out by: Sen. Chandley

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, May 11, 2023

THE COMMITTEE ON Judiciary

to which was referred **HB 517**

AN ACT relative to background checks for surrogate parents.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Shannon Chandley
For the Committee

House Bill 517 would require an educational surrogate for special education to undergo a criminal history records check. While the Department's administrative rules do require a background check, there is not currently the enabling language in law. The Department of Education requested this legislation to ensure that the requirement for background checks and the disqualifying offenses would be codified in statute.

Matthew Schelzi 271-3266

FOR THE CONSENT CALENDAR

JUDICIARY

HB 517, relative to background checks for surrogate parents.
Ought to Pass, Vote 5-0.
Senator Shannon Chandley for the committee.

House Bill 517 would require an educational surrogate for special education to undergo a criminal history records check. While the Department's administrative rules do require a background check, there is not currently the enabling language in law. The Department of Education requested this legislation to ensure that the requirement for background checks and the disqualifying offenses would be codified in statute.

General Court of New Hampshire - Bill Status System

Docket of HB517

Docket Abbreviations

Bill Title: relative to background checks for surrogate parents.

Official Docket of **HB517.:**

Date	Body	Description
1/11/2023	H	**Introduced** (in recess of) 01/05/2023 and referred to Education **HJ 3** P. 19
1/31/2023	H	Public Hearing: 02/07/2023 01:00 pm LOB 205-207
3/1/2023	H	Executive Session: 03/06/2023 09:30 am LOB 205-207
3/8/2023	H	Committee Report: Ought to Pass 03/06/2023 **(Vote 19-0; CC) HC 16** P. 3
3/16/2023	H	**Ought to Pass**: MA VV 03/16/2023 **HJ 9** P. 3
3/21/2023	S	Introduced 03/16/2023 and Referred to Judiciary; **SJ 11**
4/26/2023	S	**Hearing:** 05/02/2023, Room 100, SH, 01:00 pm; **SC 20**
5/11/2023	S	Committee Report: Ought to Pass, 05/18/2023; Vote 5-0; CC; **SC 22**
5/18/2023	S	**Ought to Pass**: MA, VV; OT3rdg; 05/18/2023; **SJ 15**
6/13/2023	S	Enrolled Adopted, VV, (In recess 06/08/2023); **SJ 19**
6/13/2023	H	Enrolled (in recess of) 06/08/2023 **HJ 15**
6/21/2023	H	Signed by Governor Sununu 06/20/2023; Chapter 88; Eff: 08/19/2023

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: HB 517 **Senate Committee:** JUD

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)

N/A Prepared testimony, presentations, & other submissions handed in at the public hearing

X Hearing Report

N/A 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)

____ Governor's Veto Message

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

____ as amended by the senate ____ as amended by the house

____ final version

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

Matthew Jeheby 8-31-23

Committee Aide **Date**

Senate Clerk's Office _____