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

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, 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: 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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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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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, and creating a new attorney II position.

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 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.

VETOED August 8, 2023

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