

SB 369-FN-A - AS AMENDED BY THE SENATE

01/18/2024 0104s

2024 SESSION

24-3027

09/10

SENATE BILL

***369-FN-A***

AN ACT

directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment, creating a new position, and making an appropriation therefor.

SPONSORS:

Sen. Carson, Dist 14; Sen. Pearl, Dist 17; Rep. C. McGuire, Merr. 27

COMMITTEE:

Executive Departments and Administration

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Four*

AN ACT                    directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment, creating a new position, and making an appropriation therefor.

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

1            1 New Paragraphs; Office of Professional Licensure and Certification; Notifications. Amend  
2 RSA 310:5 by inserting after paragraph V the following new paragraphs:

3            VI. All boards, councils, and commissions within the office of professional licensure and  
4 certification shall notify the public of any public meeting no less than 14 calendar days prior to the  
5 meeting unless, the chair of the board deems it prudent to hold a public meeting without sufficient  
6 notice under this section. In such instances, meetings shall be noticed in accordance with RSA 91-A.  
7 All governmental records, as defined in RSA 91-A:1-a, III, distributed to the board, council, or  
8 commission for the meeting shall be available to the public no less than 7 calendar days prior to the  
9 meeting, provided the governmental records do not contain information exempt from disclosure  
10 under RSA 91-A:5 or other applicable law. The chair of the board, council, or commission shall add  
11 items to the agenda within 7 calendar days of a meeting if, at the chair's discretion, the public's  
12 interest in the board addressing the matter outweighs the public's interest in timely access to  
13 governmental records associated with the new agenda item. In such circumstances, governmental  
14 records shall be available to the public as soon as reasonably practicable. If it is not practicable to  
15 make available to the public at least one day prior to a meeting, then paper copies of governmental  
16 records associated with the new agenda item shall be available at the meeting location upon request,  
17 provided the governmental records to be considered have undergone legal review to identify  
18 information exempt from disclosure. In such instances, materials associated with the new agenda  
19 item shall undergo legal review and be made available to the public within 7 calendar days of the  
20 public meeting or in accordance with RSA 91-A when the chair deems it prudent to hold a public  
21 meeting without sufficient notice under this section. This paragraph shall not apply to emergency  
22 meetings conducted pursuant to RSA 91-A:2; emergency hearings conducted pursuant to RSA 541-  
23 A:30, III or RSA 310:12, IV; disciplinary and non-disciplinary adjudicative or remedial proceedings  
24 conducted pursuant to RSA 310:10; and, unlicensed practice hearings conducted pursuant to RSA  
25 310:13.

26            VII. All boards, councils, and commissions within the office of professional licensure and  
27 certification shall provide an opportunity for comment from the public, virtually or in person, at  
28 public meetings, in a manner established by the board, council, or commission chair within 7  
29 calendar days of the public meeting or in accordance with RSA 91-A when the chair deems a meeting

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1 must be held without sufficient notice under this section. This paragraph shall not apply to  
2 emergency hearings conducted pursuant to RSA 541-A:30, III or RSA 310:12, IV; disciplinary and  
3 non-disciplinary remedial proceedings conducted pursuant to RSA 310:10; and, unlicensed practice  
4 hearings conducted pursuant to RSA 310:13.

5 VIII. All boards, councils, and commissions within the office of professional licensure and  
6 certification shall provide an opportunity for the public to submit written comments on matters  
7 before the board, council, or commission. This paragraph shall not apply to emergency hearings  
8 conducted pursuant to RSA 541-A:30, III or RSA 310:12, IV; disciplinary and non-disciplinary  
9 remedial proceedings conducted pursuant to RSA 310:10; and, unlicensed practice hearings  
10 conducted pursuant to RSA 310:13.

11 2 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

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

14 II. The amount necessary to pay for the position established in paragraph I is hereby  
15 appropriated to the executive director of the office of professional licensure and certification.  
16 Salaries and necessary expenses shall be a charge against the office of professional licensure and  
17 certification fund in RSA 310:5.

18 3 Effective Date. This act shall take effect 60 days after its passage.

**SB 369-FN-A- FISCAL NOTE**  
AS AMENDED BY THE SENATE (AMENDMENT #2024-0104s)

AN ACT                    directing the office of professional licensure and certification to provide notice of public meetings and an opportunity for comment, creating a new position, and making an appropriation therefor.

**FISCAL IMPACT:**    ☒ State                    ☐ County                    ☐ Local                    ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	\$0	\$0	\$0
Revenue Fund(s)	None			
Expenditures	\$0	\$106,000	\$109,000	\$113,000
Funding Source(s)	Office of Professional Licensure and Certification Fund			
Appropriations	\$0	\$106,000	\$109,000	\$113,000
Funding Source(s)	Office of Professional Licensure and Certification Fund			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ Yes
- Does this bill authorize new positions to implement this bill? ☒ Yes

**METHODOLOGY:**

This bill changes requirements for public meeting notices by boards supervised by the Office of Professional Licensure and Certification (OPLC). Boards will be required to post meeting information at least 14 days prior to the meeting (with some exceptions), make records available 7 days prior to the meeting, allows the chair to add agenda items within these time frames, and mandates that the boards offer opportunities for verbal and written public comments at meetings. This bill also establishes an Attorney II position at labor grade 28 and appropriates funds from the OPLC Fund for this purpose. The salary and benefit costs for this position are estimated at \$106,000 for FY 2025, \$109,000 for FY 2026, and \$113,000 for FY 2027, with subsequent annual increases. These figures may vary if the new hire begins at a step higher than step 1.

It is assumed the fiscal impact from this bill will occur in FY 2025.

**AGENCIES CONTACTED:**

Office of Professional Licensure and Certification