

CHAPTER 374
SB 369-FN-A - FINAL VERSION

01/18/2024 0104s
2May2024... 1575h
06/13/2024 2349EBA

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

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

1 374:1 New Paragraphs; Office of Professional Licensure and Certification; Notifications. Amend RSA
2 310:5 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 notice
6 under this section. In such instances, meetings shall be noticed in accordance with RSA 91-A. All
7 governmental records, as defined in RSA 91-A:1-a, III, distributed to the board, council, or commission for
8 the meeting shall be available to the public no less than 7 calendar days prior to the meeting, provided the
9 governmental records do not contain information exempt from disclosure under RSA 91-A:5 or other
10 applicable law. The chair of the board, council, or commission shall add items to the agenda within 7
11 calendar days of a meeting if, at the chair's discretion, the public's interest in the board addressing the
12 matter outweighs the public's interest in timely access to governmental records associated with the new
13 agenda item. In such circumstances, governmental records shall be available to the public as soon as
14 reasonably practicable. If it is not practicable to make the records available to the public at least one day
15 prior to a meeting, then paper copies of governmental records associated with the new agenda item shall
16 be available at the meeting location upon request, provided the governmental records to be considered
17 have undergone legal review to identify information exempt from disclosure. In such instances, materials
18 associated with the new agenda item shall undergo legal review and be made available to the public
19 within 7 calendar days of the public meeting or in accordance with RSA 91-A when the chair deems it
20 prudent to hold a public meeting without sufficient notice under this section. This paragraph shall not
21 apply to emergency meetings conducted pursuant to RSA 91-A:2; emergency hearings conducted
22 pursuant to RSA 541-A:30, III or RSA 310:12, IV; disciplinary and non-disciplinary adjudicative or
23 remedial proceedings conducted pursuant to RSA 310:10; and, unlicensed practice hearings conducted
24 pursuant to RSA 310:13.

25 VII. All boards, councils, and commissions within the office of professional licensure and
26 certification shall provide an opportunity for spoken comment from the public, virtually or in person, at
27 public meetings, in a manner established by the board, council, or commission chair. This paragraph
28 shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III or RSA 310:12, IV;
29 disciplinary and non-disciplinary remedial proceedings conducted pursuant to RSA 310:10; and
30 unlicensed practice hearings conducted pursuant to RSA 310:13.

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1 VIII. All boards, councils, and commissions within the office of professional licensure and
2 certification shall provide an opportunity for the public to submit written comments on matters before the
3 board, council, or commission, in a manner established by the board, council, or commission chair, within
4 10 days of the public meeting or in accordance with RSA 91-A, as appropriate under this section. This
5 paragraph shall not apply to emergency hearings conducted pursuant to RSA 541-A:30, III or RSA
6 310:12, IV; disciplinary and non-disciplinary remedial proceedings conducted pursuant to RSA 310:10;
7 and unlicensed practice hearings conducted pursuant to RSA 310:13.

8 374:2 Office of Professional Licensure and Certification; New Classified Position; Appropriation.

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

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

15 374:3 Contingency. If HB 1609 of the 2024 legislative session becomes law, then RSA 310:5, VI-VIII
16 as inserted by section 1 of this act shall be renumbered to read RSA 310:5, VII-IX.

17 374:4 Effective Date. This act shall take effect 60 days after its passage.

Approved: August 23, 2024
Effective Date: October 22, 2024

