

LEGISLATIVE COMMITTEE MINUTES

SB51

Bill as Introduced

SB 51 - AS INTRODUCED

2013 SESSION

13-0838

03/01

SENATE BILL

51

AN ACT

relative to the definition of "professional service."

SPONSORS:

Sen. Boutin, Dist 16; Sen. Rausch, Dist 19; Rep. L. Ober, Hills 37; Rep. Chandler, Carr 1; Rep. Bouchard, Merr 18

COMMITTEE:

Commerce

ANALYSIS

This bill adds professions to certain definitions of "professional service."

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the definition of "professional service."

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

1 1 Professional Corporations; Definitions; Professional Service. Amend RSA 294-A:1, VI to read
2 as follows:

3 VI. "Professional service" means any service which may lawfully be rendered only by
4 certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors,
5 dentists, pharmacists, professional engineers, land surveyors, registered professional nurses,
6 optometrists, physicians and surgeons, *physical therapists*, physician assistants, *doctors of*
7 *naturopathic medicine*, psychologists, veterinarians, and all other professionals licensed,
8 registered, certified, or otherwise authorized and permitted to practice independently under the
9 provisions of RSA 309-B, 310-A, 311, 315, 316-A, 317-A, 318, 326-B, 327, *328-A*, 328-D, *328-E*, 329,
10 329-B, 330-A, or 332-B and which may not lawfully be rendered by a corporation organized under the
11 law of this state applicable to business corporations.

12 2 Professional Limited Liability Companies; Definitions; Professional Service. Amend RSA 304-
13 D:1, VI to read as follows:

14 VI. "Professional service" means any service which may lawfully be rendered only by
15 certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors,
16 dentists, pharmacists, professional engineers, land surveyors, registered professional nurses,
17 optometrists, physicians and surgeons, *physical therapists*, *physician assistants*, *doctors of*
18 *naturopathic medicine*, psychologists, veterinarians, and all other professionals licensed,
19 registered, certified, or otherwise authorized and permitted to practice independently under the
20 provisions of RSA 309-B, 310-A, 311, 315, 316-A, 317-A, 318, 326-B, 327, *328-A*, *328-D*, *328-E*, 329,
21 329-B, 330-A, or 332-B.

22 3 Effective Date. This act shall take effect July 1, 2013, at 12:01 a.m.

SB 51 - AS AMENDED BY THE HOUSE

8May2013... 1479h

2013 SESSION

13-0838
03/01

SENATE BILL

51

AN ACT

relative to the definition of "professional service."

SPONSORS:

Sen. Boutin, Dist 16; Sen. Rausch, Dist 19; Rep. L. Ober, Hills 37; Rep. Chandler, Carr 1; Rep. Bouchard, Merr 18

COMMITTEE:

Commerce

AMENDED ANALYSIS

This bill modifies the definition of "professional service" as it applies to professional corporations, professional limited liability companies, and partnerships.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the definition of "professional service."

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

1 1 Professional Corporations; Definitions; Professional Service. Amend RSA 294-A:1, VI to read
2 as follows:

3 VI. "Professional service" means [~~any service which may lawfully be rendered only by~~
4 ~~certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors,~~
5 ~~dentists, pharmacists, professional engineers, land surveyors, registered professional nurses,~~
6 ~~optometrists, physicians and surgeons, physician assistants, psychologists, veterinarians, and all~~
7 ~~other professionals licensed, registered, certified, or otherwise authorized and permitted to practice~~
8 ~~independently under the provisions of RSA 309-B, 310-A, 311, 315, 316-A, 317-A, 318, 326-B, 327,~~
9 ~~328-D, 329, 329-B, 330-A, or 332-B and which may not lawfully be rendered by a corporation~~
10 ~~organized under the law of this state applicable to business corporations] *a type of highly skilled*
11 *and educated, technical, and specialized personal service rendered to the public by persons*
12 *who are licensed or certified, and regulated by state statute.*~~

13 2 Professional Limited Liability Companies; Definitions; Professional Service. Amend RSA 304-
14 D:1, VI to read as follows:

15 VI. "Professional service" means [~~any service which may lawfully be rendered only by~~
16 ~~certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors,~~
17 ~~dentists, pharmacists, professional engineers, land surveyors, registered professional nurses,~~
18 ~~optometrists, physicians and surgeons, psychologists, veterinarians, and all other professionals~~
19 ~~licensed, registered, certified, or otherwise authorized and permitted to practice independently under~~
20 ~~the provisions of RSA 309-B, 310-A, 311, 315, 316-A, 317-A, 318, 326-B, 327, 329, 329-B, 330-A, or~~
21 ~~332-B] *a type of highly skilled and educated, technical, and specialized personal service*
22 *rendered to the public by persons who are licensed or certified, and regulated by state*
23 *statute.*~~

24 3 Uniform Partnership Act; Definitions; Professional Service. Amend RSA 304-A:2, IX to read
25 as follows:

26 IX. "Professional service" means [~~any service which may lawfully be rendered only by~~
27 ~~certified public accountants, public accountants, architects, attorneys, podiatrists, chiropractors,~~
28 ~~dentists, pharmacists, professional engineers, land surveyors, registered professional nurses,~~
29 ~~optometrists, physicians and surgeons, physician assistants, psychologists, and veterinarians~~
30 ~~licensed, registered, certified, or otherwise authorized under the provisions of RSA 309-B, 310-A,~~

SB 51 - AS AMENDED BY THE HOUSE

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1 ~~311, 315, 316 A, 317 A, 318, 326 B, 327, 328 D, 329, 329 B, 330 A, or 332 B]~~ *a type of highly*
2 *skilled and educated, technical, and specialized personal service rendered to the public by*
3 *persons who are licensed or certified, and regulated by state statute.*

4 4 Effective Date. This act shall take effect July 1, 2013, at 12:01 a.m.

Committee Minutes

**SENATE CALENDAR NOTICE
COMMERCE**

Senator Andy Sanborn Chairman
 Senator Jeb Bradley V Chairman
 Senator Sam Cataldo
 Senator Andrew Hosmer
 Senator David Pierce

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: January 23, 2013

HEARINGS

Tuesday

1/29/2013

COMMERCE

LOB 101

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM	SB51	relative to the definition of "professional service."
1:20 PM	SB52	relative to names of limited partnerships.
1:40 PM	SB60	relative to assisted living facilities and landlord tenant law.
2:10 PM	SB71	establishing a committee to study the use and misuse of prescription drugs in workers' compensation cases.

Sponsors:

SB51

Sen. David Boutin
 Rep. Candace Bouchard

Sen. Jim Rausch

Rep. Lynne Ober

Rep. Gene Chandler

SB52

Sen. David Boutin
 Sen. Peggy Gilmour
 Sen. John Reagan
 Rep. John Hunt

Sen. Sharon Carson
 Sen. Sylvia Larsen
 Sen. Andy Sanborn
 Rep. William Infantine

Sen. Sam Cataldo
 Sen. Bob Odell
 Sen. Nancy Stiles
 Rep. Suzanne Smith

Sen. Martha Fuller Clark
 Sen. Jim Rausch
 Sen. David Watters
 Rep. Joe Duarte

SB60

Sen. Bob Odell
 Rep. James Grenier

Sen. Peggy Gilmour

Rep. Thomas Donovan

Rep. Cindy Rosenwald

SB71

Sen. Lou D'Allesandro

SENATE COMMERCE COMMITTEE

Patrick Murphy, Legislative Aide

SB 51 relative to the definition of "professional service."

Hearing Date: January 29, 2013

Time Opened: 1:02 P.M.

Time Closed: 1:07 P.M.

Members of the Committee Present:

Senator Sanborn, Senator Cataldo, Senator Hosmer, Senator Pierce

Members of the Committee Absent: Senator Bradley

Bill Analysis: This bill adds professions to certain definitions of "professional service."

Sponsors: Sen. Boutin, Dist 16; Sen. Rausch, Dist 19; Rep. L. Ober, Hills 37; Rep. Chandler, Carr 1; Rep. Bouchard, Merr 18

Who supports the bill: Senator Boutin, Dist 16; Senator Rausch, Dist 19; Representative Chandler, Carr 1; Jacalyn Chase, NH Association of Naturopathic Doctors; Debra Ulmanis, Secretary of State Corporation Division

Who opposes the bill: None

Summary of testimony presented in support:

Senator Boutin, Dist 16

- This technical corrections bill was filed at the request of the Secretary of States office to bring our LLC statute and corporation's statute into line with each other.

Debra Ulmanis, Secretary of States, Corporation Division

- This bill corrects a disparity between the LLC and Corporations statutes.
- In response to questions: Specific professions are listed here in statute because these are the professions that require licensure.

Summary of testimony presented in opposition: None

Fiscal Note: None

Future Action: With all members of the Committee now present:

Ought to Pass vote: 5-0 Consent Calendar vote: 5-0

Senator Pierce for the Committee

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: January 30, 2013

THE COMMITTEE ON Commerce

to which was referred Senate Bill 51

AN ACT relative to the definition of "professional service."

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS

BY A VOTE OF: 5-0

AMENDMENT # {Type 4-digits here}s

CONSENT CALENDAR VOTE: 5-0

Senator David Pierce for the Committee

SB 51 is a technical correction bill that was requested by the Secretary of State's office to bring into parity the definition of "professional service" under the professional corporations and professional limited liability statutes.

Patrick Murphy 271-8631

Docket of SB51

Bill Title: relative to the definition of "professional service."

Official Docket of SB51:

Date	Body	Description
1/3/2013	S	<u>Introduced</u> and Referred to Commerce; <u>SJ 4</u>
1/24/2013	S	Hearing: 1/29/13, Room 101, LOB, 1:00 p.m.; <u>SC6</u>
1/31/2013	S	Committee Report: Ought to Pass, 2/14/13; Vote 5-0; CC; <u>SC8</u>
2/14/2013	S	<u>Ought to Pass:</u> MA, VV; OT3rdg; <u>SJ 5</u>
3/27/2013	H	Introduced and Referred to Commerce and Consumer Affairs; <u>HJ31</u> , PG.1074
4/2/2013	H	Public Hearing: 4/9/2013 1:15 PM LOB 302
4/10/2013	H	Subcommittee Work Session: 4/25/2013 10:00 AM LOB 302
4/25/2013	H	Subcommittee Work Session: 5/1/2013 9:30 AM LOB 302
4/25/2013	H	Executive Session: 5/1/2013 10:00 AM LOB 302
5/2/2013	H	Committee Report: Ought to Pass with Amendment #1479h for May 8 (Vote 18-0; CC); <u>HC36</u> , PG.1195-1196
5/2/2013	H	Proposed Committee Amendment <u>#2013-1479h</u> ; <u>HC36</u> , PG.1214
5/8/2013	H	Amendment #1479h: AA VV; <u>HJ41</u> , PG.1387-1388
5/8/2013	H	<u>Ought to Pass with Amendment</u> #1479h: MA VV; <u>HJ41</u> , PG.1387-1388
5/30/2013	S	Sen. Sanborn Moved Nonconcur with House Amendment 1479h; MA, VV

Other Referrals

COMMITTEE REPORT FILE INVENTORY

SB 51 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # _____ ____ - AMENDMENT # _____
____ - AMENDMENT # _____ ____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
____ FINAL VERSION ____ AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 7-17-13

PM
BY COMMITTEE AIDE