

LEGISLATIVE COMMITTEE MINUTES

SB313

Bill as Introduced

SB 313 - AS INTRODUCED

2022 SESSION

22-2924

11/04

SENATE BILL **313**

AN ACT relative to the authority of the office of professional licensure and certification to establish fees.

SPONSORS: Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Avar, Dist 12; Sen. Carson, Dist 14; Rep. P. Schmidt, Straf. 19; Rep. Lang, Belk. 4; Rep. McGuire, Merr. 29

COMMITTEE: Ways and Means

ANALYSIS

This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of the boards, commissions, and councils administered by 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 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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Two

AN ACT relative to the authority of the office of professional licensure and certification to establish fees.

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

1 1 Acupuncture; Fees. Amend RSA 328-G:9, II(d) to read as follows:

2 (d) Has paid the [\$1-10] license fee and filed the application [~~established by the board~~].

3 2 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:19, I to read as follows:

4 I. Submit a completed application and fees [~~established by the board~~];

5 3 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:22, II-III to read as
6 follows:

7 II. Licensees and certification holders shall have a grace period of 30 days after expiration in
8 which to renew retroactively if they otherwise are entitled to have their licenses or certifications
9 renewed and pay [~~to the board~~] the renewal fee and any late fee set by the board under rules adopted
10 pursuant to RSA 541-A.

11 III. A suspended license or certification shall be subject to expiration and may be renewed as
12 provided in this chapter, but such renewal shall not entitle the person, while the license or
13 certification remains suspended and until it is reinstated, to engage in the activity, or in any other
14 conduct or activity in violation of the order under which the license or certification was suspended.
15 [~~If a suspended license or certification is reinstated after its expiration, the person, as a condition of
16 reinstatement, shall pay a reinstatement fee that shall equal the renewal fee in effect on the last
17 regular renewal date immediately preceding the date of reinstatement, plus any late fee set by the
18 board.~~]

19 4 Allied Health Professionals; Governing Boards Meeting Schedules. Amend RSA 328-F:8 to
20 read as follows:

21 328-F:8 Organization and Meeting. [~~Each governing board shall meet monthly, or more often as
22 its business requires.~~] A majority of each governing board shall constitute a quorum.

23 5 Allied Health Professionals; Late Filing Fees. Amend RSA 328-F:19, III to read as follows:

24 III. Applicants whose licenses expire on December 31 of the renewal year shall submit
25 completed applications for renewal on or before December 1 of the renewal year. [~~Completed
26 renewal applications submitted between December 2 and December 31 of the renewal year shall be
27 accompanied by a late filing fee.~~] Licenses shall lapse when completed renewal applications have not
28 been filed by December 31 of the renewal year, and their holders are not authorized to practice until
29 the licenses have been reinstated.

30 6 Physical Therapy; Rulemaking Authority. Amend RSA 328-A:4, VIII to read as follows:

1 VIII. Regarding the establishment, criteria, [fees,] and renewal of, and disciplinary
2 proceedings for certified animal physical therapists under RSA 328-A:15-b.

3 7 Barbering, Cosmetology, and Esthetics; Fees. Amend RSA 313-A:10, I(e) to read as follows:

4 (e) Pay a fee [~~established by the board~~].

5 8 Barbering, Cosmetology, and Esthetics; Fees. Amend RSA 313-A:10, III(e) to read as follows:

6 (e) Pay a fee [~~established by the board~~].

7 9 Barbering, Cosmetology, and Esthetics; Fees. Amend RSA 313-A:11, I(e) to read as follows:

8 (e) Pay a fee [~~established by the board~~].

9 10 Barbering, Cosmetology, and Esthetics; Fees. Amend RSA 313-A:18, I-to read as follows:

10 I. Any person eligible to take an examination for a license under this chapter may apply to
11 the board for a permit to professionally operate temporarily pending the holding of such
12 examination. The application shall be accompanied by the payment of a fee [~~established by the~~
13 ~~board~~] which shall be credited as the required examination fee.

14 11 Barbering, Cosmetology, and Esthetics; Renewal Fees. Amend RSA 313-A:20 to read as
15 follows:

16 313-A:20 Expiration and Renewal of Licenses. Each barber, master barber, barber instructor,
17 apprentice, barbershop, barber school, esthetician, esthetics instructor, esthetics school, esthetics
18 salon, manicurist, apprentice, beauty salon, or manicuring salon license issued under this chapter
19 shall expire on the last day of the birth month of the licensee in the odd year next succeeding its date
20 of issuance. Each cosmetologist, cosmetology instructor, or cosmetology school license issued under
21 this chapter shall expire on the last day of the birth month of the licensee in the even year next
22 succeeding its date of issuance. Any personal license which has expired may be renewed [~~within 6~~
23 ~~months by payment of the renewal fee and a late fee established by the board. After 6 months and~~
24 ~~within 5 years~~], [~~a personal license may be renewed by paying the renewal fee and a late fee~~
25 ~~established by the board~~]. Any school or shop license which has expired may be renewed upon
26 payment of the renewal fee [~~plus a late fee established by the board~~].

27 12 Barbering, Cosmetology, and Esthetics; Inspectors. Amend RSA 313-A:21, I to read as
28 follows:

29 I. The office of professional licensure and certification shall employ inspectors and authorize
30 them to enter and make reasonable examination and inspection of any salon, barbershop, or school
31 during business hours for the purpose of ascertaining whether or not the administrative rules of the
32 board and the provisions of this chapter are being observed. Each inspector shall file a report with
33 the board of such findings with respect to each inspection made. Salaries and necessary expenses of
34 the inspectors shall be charged against the fees and other moneys collected [~~by the board~~].

35 13 Barbering, Cosmetology, and Esthetics; Fees. Amend RSA 313-A:29 to read as follows:

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1 313-A:29 Registration Fee Required. No person shall operate a tanning facility without paying
2 an annual registration fee [~~established by the board~~]. Registration fees received from each tanning
3 facility shall be deposited into the office of professional licensure and certification fund.

4 14 Chiropractic; Fees. Amend RSA 316-A:11, I to read as follows:

5 I. Each applicant shall pay to the secretary-treasurer a fee, [~~established by the board,~~] for
6 which the applicant shall be entitled to an examination and to a reexamination, if necessary, within
7 one year.

8 15 Chiropractic; Fees. Amend RSA 316-A:14-a to read as follows:

9 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who
10 attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall
11 receive a license from the board as a chiropractor permitted to practice in New Hampshire. [~~The fee
12 for an initial license and for a license renewal shall be \$300.~~]

13 16 Dentists and Dentistry; Rulemaking. Amend RSA 317-A:12, XII-a(b) to read as follows:

14 (b) Application [~~and application fee~~].

15 17 Dentists and Dentistry; Rulemaking. Amend RSA 317-A:12, XII-c(c) to read as follows:

16 (c) Permits, [~~fees,~~] and training required for dentists who administer pediatric minimal
17 sedation. Such training shall include training in airway management and patient rescue from
18 moderate sedation.

19 18 Dentists and Dentistry; Rulemaking. Amend RSA 317-A:13, II to read as follows:

20 II. Except as provided in RSA 317-A:16, before April 1 in the year of renewal under
21 paragraph I a person licensed to practice dentistry or dental hygiene in this state shall register with
22 the board, apply for license renewal, and pay the fee established in rules [~~adopted by the board~~]. The
23 timelines of submission of renewal applications shall be evidenced by date stamp made at the time of
24 receipt at the board's office if hand delivered, or by postmark if mailed.

25 19 Dentists and Dentistry; Late Fees. Amend RSA 317-A:15 and RSA 317-A:15-a to read as
26 follows:

27 317-A:15 Failure to Register; Penalties. [~~Any person licensed by the board under this chapter
28 who fails, neglects, or refuses to register pursuant to RSA 317-A:13 shall be assessed a late biennial
29 registration fee as determined in rules adopted by the board, provided the licensee submits a
30 completed renewal application between April 1 and April 30 of the renewal year. The payment of
31 the fee may be waived by the board if the board determines that good cause has been shown for the
32 failure to register.] Licenses shall lapse when complete renewal applications have not been received
33 by the board by April 30 of the renewal year. Holders of lapsed active licenses are not authorized to
34 practice until they receive written notification from the board that their licenses have been
35 reinstated.~~

1 317-A:15-a Reinstatement of Lapsed Licenses. The board shall reinstate a license which has
2 lapsed as a result of failure of the applicant to qualify for renewal or to submit a completed renewal
3 application on time if the applicant:

4 I. Meets eligibility requirements for renewal.

5 II. Meets the reinstatement requirements established by the board in rules adopted
6 pursuant to RSA 541-A.

7 III. Pays the registration fee ~~[, late fee, and reinstatement fee]~~.

8 20 Dentists and Dentistry; Inactive List. Amend RSA 317-A:16 to read as follows:

9 317-A:16 Inactive List. A dentist or dental hygienist licensed under this chapter who does not
10 actively engage in such practice in New Hampshire within 2 years of his or her previous biennial
11 registration shall have the licensee's name transferred to an inactive list and shall be required to
12 register biennially and pay the inactive registration fee as long as the licensee remains inactive.
13 Any dentist or dental hygienist holding an inactive license shall be restored to active status by the
14 board upon the filing of a written request with the board and the furnishing of evidence of continuing
15 professional character and continuing education and upon payment of the full registration fee
16 ~~[established in rules adopted by the board]~~. A licensee on inactive status who has been practicing in
17 another state shall provide a letter of good standing from that state. A person's right to maintain a
18 license with active status shall not be affected by any absence from active practice in New
19 Hampshire while serving on active duty in the armed forces of the United States.

20 21 Practice of Dentistry; Fees. Amend RSA 317-A:20, II(a) to read as follows:

21 II.(a) Any dentist who wishes to administer general anesthesia, deep sedation, or moderate
22 sedation shall apply to the board for the appropriate permit and pay an application fee ~~[set by the~~
23 ~~board in accordance with RSA 317-A:12, XII a]~~.

24 22 Dentists and Dentistry; Certificate of Good Standing. Amend RSA 317-A:25 to read as
25 follows:

26 317-A:25 Certificate of Good Standing. Any one who is licensed to practice dentistry or dental
27 hygiene in this state, and of good professional character, and known to the dental board as such, who
28 desires to change residence to another state, territory or country, shall, upon application to the
29 dental board, receive a special certificate ~~[over the signature of the president and vice president of~~
30 ~~the board]~~, which shall attest such facts, and give the date upon which such person was licensed.

31 23 Electrologists; Fees. Amend RSA 314:10, I to read as follows:

32 I. ~~[The fee for an initial biennial license and for renewal of the biennial license issued under~~
33 ~~this chapter shall be \$110.]~~ The executive director shall establish by rule a schedule of fees for
34 applications, examinations, and license replacement.

35 24 Embalmers and Funeral Directors; Inspection. Amend RSA 325:17 to read as follows:

36 325:17 Inspection. The board, *through the office of professional licensure and*
37 *certification*, may inspect all places where funeral directing is conducted or where embalming is

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1 practiced. No such place shall be inspected more frequently than twice yearly, unless the board shall
2 find that just cause or evidence of repeated complaints exists.

3 25 Embalmers and Funeral Directors; Examinations. Amend RSA 325:18 to read as follows:

4 325:18 Examinations. Examinations of applicants for licensure shall be held at least annually.
5 Any person who desires to engage in funeral directing or embalming shall submit in writing to the
6 board on forms provided by it an application for licensure accompanied by a fee [~~established by the~~
7 ~~board~~]. The board shall require the applicant to submit to such examinations as it may deem proper.

8 26 Embalmers and Funeral Directors; Display of License. Amend RSA 325:21 to read as follows:

9 325:21 Contents and Display of. Every license shall specify the name of the person to whom it
10 was issued[~~, the address of his place of business or employment,~~] and shall be conspicuously
11 displayed, at all times, in his *or her* place of business or employment. Licenses shall not be
12 assignable.

13 27 Embalmers and Funeral Directors; Notices of Expiration. Amend RSA 325:24 to read as
14 follows:

15 325:24 Notices of Expiration. On or before May 15 of each odd-numbered year, the board shall
16 notify each holder of a license of the expiration of her or his license [~~and an application for the~~
17 ~~renewal thereof~~].

18 28 Embalmers and Funeral Directors; Renewal. Amend RSA 325:25, I to read as follows:

19 I. Every person licensed to practice under this chapter, except as provided in RSA 325:29,
20 shall apply to the board every 2 years for license renewal. The board shall require each licensee to
21 show proof of meeting the continuing education requirement of RSA 325:28-a. [~~Payment shall be~~
22 ~~made to the board secretary of the renewal fee established in RSA 325:12 a~~].

23 29 Embalmers and Funeral Directors; Fees. Amend RSA 325:30 to read as follows:

24 325:30 Issuance; Term; Renewal. Apprentice licenses shall be issued for a period of one year
25 and shall terminate one year from the date of issuance unless sooner ended by death, resignation,
26 revocation or by ruling or decision of the board. Such licenses may be renewed [~~in~~] *at* the discretion
27 of the board. [~~The fees for an original apprentice license shall be established by the board.~~]

28 30 Massage Therapists; Advisory Board. Amend RSA 328-B:5 to read as follows:

29 328-B:5 Advisory Board of Massage Therapists. The executive director shall establish the
30 advisory board of massage therapists *to advise the executive director regarding the*
31 *implementation of this chapter*. The board shall consist of 3 massage therapists who are
32 licensees in the state of New Hampshire. The members shall be appointed for 3 years, staggered so
33 that the term of one member expires each year, and they shall hold office until successors are
34 appointed, and shall serve on the board without any compensation. In no event shall a member
35 serve more than 2 full consecutive terms. [~~The board shall:~~

36 I. ~~Review the qualifications of applicants for licenses.~~

1 ~~II. Review the qualifications of individuals desiring to conduct massage workshops or~~
2 ~~seminars who are not licensed in this state.~~

3 ~~III. Review the continuing education programs for licensees.~~

4 ~~IV. Advise the executive director regarding the implementation of this chapter.]~~

5 31 Massage Therapists; Fees. Amend RSA 328-B:6, I(a) to read as follows:

6 (a) Submits the required application form and [~~\$110~~] licensing fee.

7 32 Massage Therapists; Renewal Fee. Amend RSA 328-B:7 to read as follows:

8 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last
9 day of the birth month of the licensee in the even-numbered year, upon approval of the executive
10 director of the renewal application and submission of the required [~~\$110~~] renewal fee.

11 33 Medical Technicians; Fees. Amend RSA 328-I:6, I to read as follows:

12 I. The board may register any person who submits a completed application. [~~The fee for~~
13 ~~registration under this chapter shall be \$110.~~]

14 34 Board of Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-I:8
15 to read as follows:

16 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be
17 subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the
18 board. [~~The fee for renewal of certificates of registration shall be \$110.~~] Certificates of registration
19 for medical technician shall be renewed upon the payment of the renewal fee.

20 35 Physician Assistants; Fees. Amend RSA 328-D:5, I to read as follows:

21 I. [~~Any licensee who fails to apply for renewal under RSA 328-D:5 shall pay double the~~
22 ~~renewal fee, provided the licensee applies and pays the renewal fee no later than 90 days after the~~
23 ~~expiration date.] Any licensee who fails to apply for renewal of his or her license within the 90-day~~
24 ~~period after expiration, shall have his or her license lapse. A lapsed license shall be reinstated only~~
25 ~~upon payment of a reinstatement fee [as established by the board], and upon showing evidence of~~
26 ~~professional competence as the board may reasonably require.~~

27 36 Physicians and Surgeons; Fees. Amend RSA 329:12, I(a) to read as follows:

28 (a) Pay a fee [~~established by the board~~].

29 37 Physicians and Surgeons; Renewal. Amend RSA 329:16-a to read as follows:

30 329:16-a Renewal. Every person licensed to practice under this chapter, except as provided in
31 RSA 329:16-c, shall apply to the board on a biennial basis for renewal of license on forms provided by
32 the board and shall pay a renewal fee [~~as established by the board~~]. If a person applies to the board
33 for a renewal of license by June 30 of the year in which the licensee's renewal is set to occur, the
34 person's license shall not expire until the board has taken final action upon the application for
35 renewal.

36 38 Physicians and Surgeons; Neglect to Renew. Amend RSA 329:16-e to read as follows:

1 329:16-e Neglect to Renew. ~~[Any licensee who fails to renew his or her license by June 30 of the~~
2 ~~year in which the licensee's renewal is set to occur shall be required to pay double the renewal fee if~~
3 ~~paid within 90 days of the expiration date.]~~ Any failure, neglect, or refusal on the part of any person
4 licensed by the board to renew the license as provided in RSA 329:16-a or this section shall
5 automatically lapse such license. Licenses lapsed under this section ~~[for nonpayment within 90~~
6 ~~days]~~ shall not be reinstated except upon payment of a reinstatement fee ~~[as established by the~~
7 ~~board]~~, and a showing of such evidence of professional competence as the board may reasonably
8 require.

9 39 Physicians and Surgeons; Reinstatement Fee. Amend RSA 329:16-h to read as follows:

10 329:16-h Reinstatement. Any person whose name has been placed on the inactive list may be
11 restored to active status upon the filing of a written request for reinstatement of license,
12 accompanied by the reinstatement fee ~~[as established by the board]~~, proof of satisfaction of
13 continuing medical education requirements established by RSA 329:16-g, and such other evidence of
14 professional competence as the board may reasonably require.

15 40 Mental Health Practice; Fees. Amend RSA 330-A:12, I to read as follows:

16 I. The ~~board~~ ***office of professional licensure and certification*** shall establish fees
17 pursuant to RSA 541-A for supervisory agreements; applications for licensed pastoral
18 psychotherapist, independent clinical social worker, school social worker, licensed social worker,
19 licensed social work associate, clinical mental health counselor, marriage and family therapist, and
20 conditional licenses; renewal of license; renewal of dual license; reinstatement of license; inactive
21 license status; reactivation of an inactive license; examination of applicants; transcribing and
22 transferring records; and other services, including investigations and hearings conducted under this
23 chapter.

24 41 Mental Health Practice; Fee. Amend RSA 330-A:31, I to read as follows:

25 I. Licenses shall be valid for a period of 2 years and shall become invalid on the expiration
26 date unless renewed. It shall be the duty of the board to notify every person licensed by the board
27 under this chapter of the date of expiration of the license and the amount of the fee that shall be
28 required for its renewal for 2 years. Such notice shall be ~~mailed~~ ***provided*** at least 2 months in
29 advance of the date of expiration of such license. Renewal shall be conditional upon filing a timely
30 and complete renewal application and payment of the fee ~~[as set by the board]~~.

31 42 Midwifery; Fees. Amend RSA 326-D:6, I-II to read as follows:

32 I. No person shall practice midwifery in this state without first obtaining certification from
33 the council. The council shall certify for the practice of midwifery any person applying for such
34 certification who meets the qualifications adopted under RSA 326-D:5, I(a) and who submits a ~~[\$110]~~
35 certification fee.

1 II. Certification issued under this chapter shall be subject to renewal every 2 years and shall
2 expire unless renewed in accordance with rules adopted by the council and upon payment of a [~~\$110~~]
3 renewal fee.

4 43 Naturopathic Health Care; Fee. Amend RSA 328-E:13, I to read as follows:

5 I. The license to practice naturopathic medicine shall be renewed biennially. A fee [~~in the~~
6 ~~amount of \$300~~] shall accompany the application for renewal.

7 44 Nurse Practice Act; Fee. Amend RSA 326-B:16, I to read as follows:

8 I. Submit a completed application and fees [~~as established by the board~~].

9 45 Nurse Practice Act; Fee. Amend RSA 326-B:22, II(a) to read as follows:

10 (a) By midnight on his or her date of birth in the renewal year submit a completed
11 application and fees [~~as established by the board~~];

12 46 Nurse Practice Act; Fee. Amend RSA 326-B:23, III to read as follows:

13 III. Application for reinstatement of a license which has lapsed under this section shall
14 include payment of a reinstatement fee and be made, and granted or denied, in accordance with
15 rules adopted [~~by the board~~] pursuant to RSA 541-A.

16 47 Nursing Home Administrators; Fees. Amend the introductory paragraph of RSA 151-A:5 to
17 read as follows:

18 The board shall admit to examination for licensure as a nursing home administrator any candidate
19 who pays a [~~\$300~~] licensing fee and submits evidence of good moral character and suitability
20 prescribed by the board and evidence that the candidate is at least 21 years old and has completed
21 preliminary education satisfactory to the board; provided:

22 48 Nursing Home Administrators; Reciprocity Fee. Amend the introductory paragraph of RSA
23 151-A:9 to read as follows:

24 The board, subject to the provisions of this chapter and the rules and regulations of the board
25 promulgated thereunder prescribing the qualifications for nursing home administrator license, may
26 endorse a nursing home administrator license issued by the proper authorities of any other state
27 upon payment of a reasonable fee [~~as established by the board~~] and upon submission of evidence
28 satisfactory to the board that:

29 49 Ophthalmic Dispensing; Fee. Amend RSA 327-A:7 to read as follows:

30 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
31 ophthalmic dispensing shall be accompanied by a non-refundable registration fee [~~of \$110~~]. Upon
32 approval of the application by the executive director, the applicant shall be issued a certificate of
33 registration for ophthalmic dispensing, which shall be renewed biennially on or before June 30 upon
34 payment of the renewal fee. [~~The fee for renewal of any certificate of registration shall be \$110.~~]

35 50 Optometry; Fees. Amend RSA 327:6 to read as follows:

36 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
37 practice optometry without a license. The board shall not issue a license to any applicant until the

1 person has passed an examination approved by the board, and has presented satisfactory evidence in
 2 the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral
 3 character, has completed a minimum of 2 years at a college of arts and sciences and has graduated
 4 from a school or college of optometry approved by the board, maintaining a minimum of 4 years in
 5 optometric training. Persons who submit an application which demonstrates that they meet the
 6 eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A,
 7 and pay the [\$300] licensing fee, shall be licensed by the board.

8 51 Optometry; Record of License. Amend RSA 327:11 to read as follows:

9 327:11 Record of Licenses. Every license issued by the board shall be numbered and recorded in
 10 the office of the board. [~~A photograph of the person licensed shall be filed with the record.~~]

11 52 Pharmacists and Pharmacies; Application Fee. Amend RSA 318:23 to read as follows:

12 318:23 Application Fee for Pharmacist License. Each person applying for a license to practice
 13 the profession of pharmacy in this state by way of examination shall pay a reasonable application fee
 14 [~~to be established by the pharmacy board~~]. This fee shall include the cost of investigating the
 15 applicant's qualifications to become a pharmacist in this state.

16 53 Pharmacists and Pharmacies; Renewal Fees. Amend RSA 318:25, II to read as follows:

17 II. Pay a reasonable fee [~~established by the board~~];

18 54 Pharmacists and Pharmacies; Fees. Amend RSA 318:26 and RSA 318:26-a to read as follows:

19 318:26 Neglect to Renew. Any failure, neglect or refusal on the part of any person licensed by
 20 the board to renew his *or her* license as provided in RSA 318:25 shall cause the license to lapse.
 21 Licenses lapsed under this section shall not be restored except upon payment of a restoration fee [~~as~~
 22 ~~established by the board~~], and a showing of evidence, as the board may require, demonstrating
 23 professional competence.

24 318:26-a Change in Name, Employment, or Residence. Any pharmacist, licensed advanced
 25 pharmacy technician, or pharmacy technician who changes his or her name, place or status of
 26 employment, or residence shall notify the board in writing within 15 days. For failure to report such
 27 a change within 15 days, the board may suspend the pharmacist's license, the advanced pharmacy
 28 technician's license, or the pharmacy technician's registration. Reinstatement shall be made only
 29 upon payment of a reasonable fee [~~as established by the board~~].

30 55 Pharmacists and Pharmacies; Impaired Pharmacist Program. Amend RSA 318:29-a, VI to
 31 read as follows:

32 VI. [(a)] The board, *through the office of professional licensure and certification*, may
 33 contract with other organizations to operate the impaired pharmacist program for pharmacists who
 34 are impaired by drug or alcohol abuse or mental or physical illness. This program shall include, but
 35 is not limited to, education, intervention and post-treatment monitoring.

1 ~~[(b) The board may allocate an amount determined by the board from each pharmacist~~
2 ~~biennial license renewal fee it collects to provide funding for the impaired pharmacist program as set~~
3 ~~forth in subparagraph VI(a).]~~

4 56 Pharmacists and Pharmacies; Fees. Amend RSA 318:38, III to read as follows:

5 III. All applicants for a pharmacy permit shall pay a reasonable fee ~~[as established by the~~
6 ~~board]~~ for each original pharmacy permit and for each renewal thereof.

7 57 Pharmacists and Pharmacies; Fee. Amend RSA 318:51-a, I to read as follows:

8 I. No person shall manufacture legend drugs or controlled drugs as that term is defined in
9 RSA 318-B:1, VI and no person as a wholesaler, distributor, or reverse distributor shall supply the
10 same without first having obtained a license to do so from the board. Such license shall expire
11 biennially on June 30 of every even-numbered year. An application together with a reasonable fee
12 ~~[as established by the board]~~ shall be filed biennially by midnight on June 30 of every even-
13 numbered year.

14 58 Pharmacists and Pharmacies; Fee. Amend RSA 318:51-b, I to read as follows:

15 I. No person shall operate as a limited retail drug distributor, as defined in RSA 318:1, VII-
16 a, without first having obtained a license to do so from the board. Such license shall expire
17 biennially on June 30 of each odd-numbered year. An application together with a reasonable fee ~~[as~~
18 ~~established by the board]~~ shall be filed biennially by midnight June 15 of every odd-numbered year.

19 59 Pharmacists and Pharmacies; Fee. Amend RSA 318:51-f, I to read as follows:

20 I. No research organization shall procure or conduct research operations with prescription
21 drugs by researchers without first having obtained a license from the board. Such license shall
22 expire biennially on June 30 of each odd-numbered year. An application together with a reasonable
23 fee ~~[as established by the board]~~ shall be filed biennially by June 15 of every odd-numbered year.

24 60 Podiatry; License Fee. Amend RSA 315:8, I to read as follows:

25 I. The board shall issue a license to applicants who have submitted a complete application,
26 paid a ~~[\$300]~~ license fee, achieved a satisfactory examination score, and satisfied all other criteria of
27 competence and professional character required by this chapter.

28 61 Psychologists; Fees. Amend RSA 329-B:12 to read as follows:

29 329-B:12 Establishment of Fees.

30 ~~[I. The fee for an initial license shall be \$300.]~~ The license shall be renewed biennially on or
31 before June 30 upon payment of a ~~[\$300]~~ renewal fee.

32 ~~[II. The board shall establish fees applicable to psychologists for review of applicants;~~
33 ~~reinstatement of license; inactive license status; reactivation of an inactive license; examination of~~
34 ~~applicants; transcribing and transferring records; and other services, including investigations and~~
35 ~~hearings conducted under this chapter.]~~

36 62 Psychologists; License Fee. Amend RSA 329-B:15, I(e)-II to read as follows:

37 (e) Has paid all fees ~~[established and collected by the board].~~

1 (f) Has submitted a complete set of fingerprints and a criminal history records release
2 form in accordance with RSA 329-B:14-a.

3 II. Examinations for applicants under this chapter shall be held by the board at least once
4 each year. The board shall determine the subject and scope of the examination, which may be
5 written, oral, or both. If an applicant fails the first examination, the applicant may be admitted to a
6 subsequent examination upon the payment of an additional fee [~~in the amount established by the~~
7 ~~board~~].

8 63 Psychologist; Notice of Expiration of License. Amend RSA 329-B:25, I to read as follows:

9 I. It shall be the duty of the board to notify every person licensed by the board under this
10 chapter of the date of expiration of the license and the amount of the fee that shall be required for its
11 renewal period. Such notice shall be ~~mailed~~ **provided** at least 2 months in advance of the date of
12 expiration of such license. Renewal shall be conditional upon filing a timely and complete renewal
13 application and payment of the renewal fee.

14 64 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; License Fee. Amend
15 RSA 328-H:8, I(c) to read as follows:

16 (c) Makes payment of the ~~[\$110]~~ license fee;

17 65 Reflexologists, Structural Integrators, and Asian Bodywork Therapists; Renewal Fee.
18 Amend RSA 328-H:9, II to read as follows:

19 II. All licenses issued pursuant to this chapter shall be renewed biennially on or before June
20 30 upon approval by the executive director of the renewal application and submission of the required
21 ~~[\$110]~~ renewal fee.

22 66 Veterinary Medicine; License Fee. Amend RSA 332-B:9 to read as follows:

23 332-B:9 Application for License; Qualifications. Any person desiring a license to practice
24 veterinary medicine in this state shall make written application to the board. The application shall
25 show that the applicant is 18 years of age or more, a graduate of an AVMA accredited school of
26 veterinary medicine or other veterinary school acceptable to the board, or the holder of an ECFVG
27 certificate or a PAVE certificate, a person of good professional character, and such other information
28 and proof as the board may require by rule. The application shall be accompanied by a fee [~~in the~~
29 ~~amount established and published by the board~~].

30 67 Certified Public Accountants; Fees. Amend RSA 309-B:5, I to read as follows:

31 I. The certificate of "certified public accountant" shall be granted to persons of good
32 character who meet the education, experience, and examination requirements of this section, who
33 make application therefor pursuant to RSA 309-B:7, and who pay the fees [~~prescribed by the board~~].

34 68 Certified Public Accountants; Fees. Amend RSA 309-B:5, VIII to read as follows:

35 VIII. The board may charge, or provide for a third party administering the examination to
36 charge, each applicant a fee [~~in an amount prescribed by the board by rule~~], for each section of the
37 examination or reexamination taken by the applicant.

1 69 Certified Public Accountants; Reciprocal Fees. Amend RSA 309-B:7, IV to read as follows:

2 IV. The board may charge a fee to any licensee of another state receiving a reciprocal
3 certificate under this section, in accordance with rules adopted by the [board] *office of professional*
4 *licensure and certification*.

5 70 Certified Public Accountants; Initial and Renewal License Fee. Amend RSA 309-B:7, VIII to
6 read as follows:

7 VIII. The board shall charge a fee for each application for initial issuance or renewal of a
8 certificate under this section in an amount prescribed by the [board] *office of professional*
9 *licensure and certification* by rule.

10 71 Certified Public Accountants; Permit Fees. Amend RSA 309-B:8, V to read as follows:

11 V. The board shall charge a fee for each application for initial issuance or renewal of a
12 permit under this section in an amount prescribed by the [board] *office of professional licensure*
13 *and certification* by rule.

14 72 Professional Engineers; Applications; Examinations. Amend RSA 310-A:16 to read as
15 follows:

16 310-A:16 Applications. Applications for licensure or for a temporary permit shall be on forms
17 prescribed and furnished by the board, shall contain statements made under oath, showing the
18 applicant's education and a detailed summary of the applicant's technical work, and shall contain
19 not less than 5 references, of whom at least 3 shall be licensed professional engineers having
20 personal knowledge of the applicant's professional experience. The [board] *office of professional*
21 *licensure and certification* shall establish fees for application and any examination required
22 under this subdivision. If the board denies the issuance of a license or a temporary permit to any
23 applicant, any initial fee deposited shall be retained as an application fee.

24 310-A:17 Examinations. Proctored technical examinations in engineering shall be held at least
25 annually as the board shall determine. If examinations are required on fundamental subjects, the
26 applicant shall be permitted to take this part of the examination upon completion of the requisite
27 years of professional experience. The board may issue to each applicant, upon successfully passing
28 the examination in fundamental subjects, a certificate stating that the applicant has passed the
29 examination. The scope of the technical and professional examination and the methods of procedure
30 shall be prescribed by the board. A candidate failing an examination may apply for reexamination
31 upon payment of an additional fee determined by the [board] *office of professional licensure and*
32 *certification* and shall be reexamined on the next regularly scheduled examination date. A
33 candidate failing the examination 3 consecutive times shall be required to furnish evidence of
34 additional experience, study, or education credits acceptable to the board before being allowed to
35 proceed with the examination.

36 73 Professional Engineers; Reinstatement Fee. Amend RSA 310-A:21 to read as follows:

1 310-A:21 License Expiration and Renewals. All licenses issued by the board shall expire on the
2 last day of the month of the licensee's birth in the year 2 years following the year of issuance. The
3 board shall cause notification of the impending license expiration to be sent to each licensee at least
4 one month prior to the expiration of the license. If the renewal fee is not submitted within 12
5 months after the expiration date, the licensee's name shall be removed from current status, and
6 application for reinstatement shall be required to return to current status. [~~The board shall charge a~~
7 ~~20 percent reinstatement fee for each month or fraction of a month the renewal is late, up to 12~~
8 ~~months, in addition to the renewal fee.~~] If a professional engineer is 70 years or older at time of
9 renewal, and the professional engineer has held an engineering license continuously for the 10-year
10 period immediately preceding the renewal, the board may waive the renewal fee in accordance with
11 rules adopted by the board.

12 74 Architects; Applications. Amend RSA 310-A:42 to read as follows:

13 310-A:42 Applications. Applications for licensure shall be on forms prescribed and furnished by
14 the board, shall contain statements made under oath, showing the applicant's education and a
15 detailed summary of the applicant's technical work, and shall contain not less than 5 references, of
16 whom at least 3 shall be licensed architects having personal knowledge of the applicant's
17 professional experience. The [board] *office of professional licensure and certification* shall
18 establish fees for application and any examination required under this subdivision. Should the
19 board deny the issuance of a license to any applicant, any initial fee deposited shall be retained as an
20 application fee.

21 75 Architects; Seals. Amend RSA 310-A:44 to read as follows:

22 310-A:44 Certificates; Seals. The board shall issue a license upon payment of the registration
23 fee established by the [board] *office of professional licensure and certification*, to any applicant
24 who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision.
25 Licenses shall show the full name of the licensee and have a serial number. The issuance of a license
26 by the board shall be prima facie evidence that the person named in the license is entitled to all the
27 rights and privileges of a licensed architect while the license remains valid. Each licensee shall upon
28 licensure obtain a seal of the design authorized by the board, bearing the registrant's name and the
29 legend, "Licensed Architect." All papers or documents involving the practice of a profession under
30 this subdivision, when issued or filed for public record, shall be dated and bear the signature and
31 seal of the licensed professional who prepared or had responsibility for and approved them. It shall
32 be a class B misdemeanor for the licensee to stamp or seal any documents with such seal after the
33 license of the licensee has expired or has been revoked, unless such license shall have been renewed,
34 reinstated, or reissued.

35 76 Architects; Late Fee. Amend RSA 310-A:46 to read as follows:

36 310-A:46 Expiration and Renewals. All licenses issued by the board shall expire on the last day
37 of the month of the licensee's birth in the year 2 years following the year of issuance. The board

1 shall cause notification of the impending license expiration to be sent to each licensee at least one
2 month prior to the expiration date of the license. If the renewal fee is not submitted within 12
3 months after the expiration date of the license, the licensee's name shall be removed from the
4 mailing list. An application for reinstatement shall be required to return to active status. ~~[The~~
5 ~~office of professional licensure and certification shall charge up to a 20 percent late fee for each~~
6 ~~month or fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.]~~

7 77 Land Surveyors; Application Fee. Amend RSA 310-A:65 to read as follows:

8 310-A:65 Application. Applications for licensure shall be on forms prescribed and furnished by
9 the board, shall contain statements made under oath, showing the applicant's education and detailed
10 summary of the applicant's technical work, and shall contain not less than 5 references, of whom 3
11 shall be land surveyors having personal knowledge of the applicant's land surveying experience. All
12 applications shall be accompanied by a fee established by the ~~[board]~~ **office of professional**
13 **licensure and certification.**

14 78 Land Surveyors; Examination Fee. Amend RSA 310-A:66, II to read as follows:

15 II. Examinations shall be held as the board shall determine. The scope of the examination
16 and the method of procedure shall be prescribed by the board. A candidate failing an examination
17 may apply for reexamination at the expiration of 6 months. Subsequent examination will be granted
18 upon payment of the fee to be determined by the ~~[board]~~ **office of professional licensure and**
19 **certification.** A candidate failing the examination 3 consecutive times shall be required to furnish
20 evidence of additional experience, study, or education credits acceptable to the board before being
21 allowed to take the examination again.

22 79 Land Surveyors; Renewal Fee. Amend RSA 310-A:68 to read as follows:

23 310-A:68 Expiration and Renewals. All licenses issued by the board shall expire on the last day
24 of the month of the licensee's birth in the year 2 years following the year of issuance. The secretary
25 of the board shall notify every licensee of the date of the expiration of the license and the amount of
26 the fee that shall be required for its renewal for 2 years. Such notice shall be ~~[mailed]~~ **provided** at
27 least one month in advance of the date of expiration. Renewal may be effected at any time during
28 the month of expiration by the payment of the fee established by the ~~[board]~~ **office of professional**
29 **licensure and certification** and submission of evidence satisfactory to the board showing
30 fulfillment of continuing education requirements. ~~[The failure on the part of any licensee to renew~~
31 ~~the license in the month of expiration as required above shall not deprive such person of the right of~~
32 ~~renewal, provided that the board shall charge a 20 percent reinstatement fee for each month or~~
33 ~~fraction of a month the renewal is late.]~~ If a licensee fails to renew such license within the 12
34 months after the date of expiration, it shall become null and void and the licensee shall be required
35 to reapply and to be reexamined for licensure as required in this section.

36 80 Natural Scientists; Examination Fee. Amend RSA 310-A:84, III to read as follows:

1 III. A candidate failing an examination may apply for a re-examination upon payment of an
2 additional fee as determined by the [board] *office of professional licensure and certification* in
3 its rules and shall be re-examined on the next regularly scheduled semi-annual examination date. A
4 candidate failing the examination 3 consecutive times shall be required to furnish evidence of
5 additional experience, study, or education credits acceptable to the board before being allowed to
6 proceed with the examination.

7 81 Natural Scientists; Late Fee. Amend RSA 310-A:90 to read as follows:

8 310-A:90 Failure to Renew. Failure to remit the biennial renewal fee when due shall
9 automatically cancel the certification. If properly renewed, a certification shall remain in effect
10 continuously from the date of issuance, unless suspended or revoked by the board for just cause. A
11 person whose certification is cancelled for such failure may reinstate such certification by paying,
12 within one year of cancellation, all fees due, plus a late fee [as established by the board].

13 82 Licensed Foresters; Fees. Amend RSA 310-A:105-106 to read as follows:

14 310-A:105 Applications; Fees. Applications for licensing shall be made on forms prescribed and
15 furnished by the [board] *office of professional licensure and certification*, and shall contain
16 statements made under oath as to citizenship, residence, the applicant's education, a detailed
17 summary of the applicant's technical experience, and shall contain the names of not less than 5
18 references, 3 or more of whom shall be individuals having personal or professional knowledge of the
19 applicant's forestry experience. The fee for a license as a forester shall be fixed by the [board] *office*
20 *of professional licensure and certification*. [~~One half of the fee shall accompany the application,~~
21 ~~the balance to be paid before the issuance of the license. Should the applicant fail to remit the~~
22 ~~remaining balance within 30 days after being notified by certified mail, return receipt requested,~~
23 ~~that the application has been accepted, the applicant shall forfeit the right to have the license issued~~
24 ~~and the applicant may be required to again submit an original application and pay an original fee on~~
25 ~~such application.] Should the board deny the issuance of a license to any applicant, the fee deposited
26 shall be retained by the board as an application fee.~~

27 310-A:106 Examination; Re-Examination; Fee. The methods and procedure for written and oral
28 examinations shall be prescribed by the board. A candidate failing an examination may apply for re-
29 examination at the expiration of 6 months and shall be entitled to one re-examination without
30 payment of an additional fee. Subsequent re-examinations may be granted upon payment of a fee to
31 be fixed by the [board] *office of professional licensure and certification*.

32 83 Licensed Foresters; Late Fees. Amend RSA 310-A:110 to read as follows:

33 310-A:110 Failure to Renew. Failure to remit the biennial renewal fee when due or failure to
34 submit proof of required continuing education shall automatically cancel the license. If properly
35 renewed, a license shall remain in effect continuously from the date of issuance, unless suspended or
36 revoked by the board for just cause. A person whose license is cancelled for such failure may

1 reinstate such license by paying, within one year of cancellation, all fees due, [~~plus a late fee as~~
2 ~~established by the board,~~] provided continuing education requirements have been met.

3 84 Professional Geologists; Examination; Certificates. Amend RSA 310-A:129-130 to read as
4 follows:

5 310-A:129 Examinations. Written technical examinations in geology shall be held at least
6 annually as the board shall determine. The scope of the technical and professional examination and
7 the methods of procedure shall be prescribed by the board. A candidate failing an examination may
8 apply for reexamination upon payment of an additional fee determined by the [board] *office of*
9 *professional licensing and certification* and shall be reexamined on the next regularly scheduled
10 examination date. A candidate failing the examination 3 consecutive times shall be required to
11 furnish evidence of additional experience, study, or education credits acceptable to the board before
12 being allowed to proceed with the examination.

13 310-A:130 Certificates; Seals. The board shall issue a license, upon payment of the licensing fee
14 established by the [board] *office of professional licensure and certification*, to any applicant
15 who has satisfactorily met all the requirements of this subdivision. Licenses shall show the full
16 name of the licensee and have a serial number. The issuance of a license by the board shall be prima
17 facie evidence that the person named in the license is entitled to all the rights and privileges of a
18 licensed professional geologist while the license remains valid. Each licensee shall upon licensure
19 obtain a seal of the design authorized by the board, bearing the registrant's name and the legend,
20 "Licensed Professional Geologist." All papers or documents involving the practice of geology
21 affecting public health, safety, and welfare, under this subdivision, when issued or filed for public
22 record, shall be dated and bear the signature and seal of the licensed professional geologist who
23 prepared or had responsibility for and approved them.

24 85 Geologists; Late Fee. Amend RSA 310-A:132, II to read as follows:

25 II. Failure to remit the renewal fee when due shall automatically suspend the license. A
26 person whose license is canceled for such failure may reinstate the license by paying, within one year
27 of suspension, all fees due, [~~plus a late fee as established by the board~~].

28 86 Landscape Architects; Applications. Amend RSA 310-A:149, I to read as follows:

29 I. Applications for licensure shall be on forms prescribed and furnished by the board, shall
30 contain statements made under oath, showing the applicant's education and a detailed summary of
31 the applicant's technical work, and shall contain not less than 5 references, of whom at least 3 shall
32 be licensed landscape architects having personal knowledge of the applicant's professional
33 experience. [~~The board shall establish fees for application and any examination required under this~~
34 ~~subdivision.~~] Should the board deny the issuance of a license to any applicant, any initial fee
35 deposited shall be retained as an application fee.

36 87 Landscape Architects; Exam; Certificates. Amend RSA 310-A:151-152 to read as follows:

1 310-A:151 Examinations. Written technical examination in landscape architecture shall be held
2 at least annually as the board shall determine. The scope of the technical and professional
3 examination and the methods of procedure shall be prescribed by the board. A candidate failing an
4 examination may apply for reexamination upon payment of an additional fee determined by the
5 [board] *office of professional licensure and certification* and shall be reexamined on the next
6 regularly scheduled examination date.

7 310-A:152 Certificates; Seals. The board shall issue a license upon payment of the license fee
8 established by the [board] *office of professional licensure and certification*, to any applicant
9 who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision.
10 Licenses shall show the full name of the licensee and have a serial number. The issuance of a license
11 by the board shall be prima facie evidence that the person named in the license is entitled to all the
12 rights and privileges of a licensed landscape architect while the license remains valid. Each licensee
13 shall upon licensure obtain a seal of the design authorized by the board, bearing the registrant's
14 name and the legend, "licensed landscape architect." All papers or documents involving the practice
15 of landscape architecture under this subdivision, when issued or filed for public record, shall be
16 dated and bear the signature and seal of the licensed professional who prepared or had responsibility
17 for and approved them. It shall be a class B misdemeanor for the licensee to stamp or seal any
18 documents with such seal after the license of the licensee has expired or has been revoked, unless
19 such license shall have been renewed, reinstated, or reissued.

20 88 Court Reporters; License. Amend RSA 310-A:173 to read as follows:

21 310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be
22 every 2 years. All licenses issued by the board shall expire on the last day of the month of the
23 licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall
24 notify every licensee of the date of the expiration of the license and the amount of the fee that shall
25 be required for its renewal for 2 years [~~such amount to be not less than \$200~~]. Such notice shall be
26 mailed at least one month in advance of the date of expiration. Renewal may be effected at any time
27 during the month of expiration by the payment of the fee established by the [board] *office of*
28 *professional licensure and certification* and submission of evidence satisfactory to the board
29 showing fulfillment of continuing education requirements. If a licensee fails to renew such license
30 within the 12 months after the date of expiration, it shall become null and void and the licensee shall
31 be required to reapply for licensure. [~~The board, pursuant to rules adopted under RSA 310-A:171,~~
32 ~~shall charge up to a 20 percent late fee for each month or fraction of a month the renewal is late, up~~
33 ~~to 12 months, in addition to the renewal fee.~~]

34 89 Home Inspectors; License. Amend RSA 310-A:193 to read as follows:

35 310-A:193 Issuance of Licenses. The board shall issue a license upon payment of the license fee
36 established by the [board] *office of professional licensure and certification*, to any applicant
37 who, in the opinion of the board, has satisfactorily met all the requirements of this subdivision.

1 Licenses shall show the full name of the licensee and have a serial number. The issuance of a license
2 by the board shall be prima facie evidence that the person named in the license is entitled to all the
3 rights and privileges of a licensed home inspector while the license remains valid. It shall be a class
4 B misdemeanor for the licensee to perform home inspections after the license of the licensee has
5 expired or has been revoked, unless such license shall have been renewed, reinstated, or reissued.

6 90 Home Inspectors; Late Fee. Amend RSA 310-A:195, II to read as follows:

7 II. All licenses issued by the board shall expire on the last day of the licensee's month of
8 birth in the second year following the year of issuance, or upon such other biennial date as the board
9 may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the
10 licensee's name shall be removed from current status, and application for reinstatement shall be
11 required to return to current status. ~~[The board shall charge a 20 percent late fee for each month or~~
12 ~~fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.]~~ Any
13 renewal application received 12 months after the expiration date shall be rejected, unless
14 accompanied by proof of successful completion of the examination required by the board. A licensed
15 home inspector shall complete at least 20 hours of board-approved continuing education during each
16 license period in order to maintain his or her license. If a licensee fails to renew such license within
17 the 12 months after the date of expiration, it shall become null and void and the licensee shall be
18 required to reapply and to be re-examined for licensure.

19 91 Septic System Evaluators; Late Fee. Amend RSA 310-A:215, II to read as follows:

20 II. All licenses issued by the board shall expire on the last day of the license holder's month
21 of birth in the second year following the year of issuance, or upon such other biennial date as the
22 board may adopt. If the renewal fee is not submitted within 12 months after the expiration date, the
23 license holder's name shall be removed from current status, and application for reinstatement shall
24 be required to return to current status provided that the license holder provides satisfactory proof
25 that all required continuing education requirements have been met. ~~[The board shall charge a 20~~
26 ~~percent late fee for each month or fraction of a month the renewal is late, up to 12 months, in~~
27 ~~addition to the renewal fee.]~~ Any renewal application received 12 months after the expiration date
28 shall be rejected, unless accompanied by proof of successful completion of the examination required
29 by the board. If a license holder fails to renew such license within the 12 months after the date of
30 expiration, it shall become null and void and the license holder shall be required to reapply and to be
31 re-examined for licensure.

32 92 Electricians; Examination; Renewal. Amend RSA 319-C:8-9 to read as follows:

33 319-C:8 Examinations for License. Each applicant for licensure shall present to the board, on
34 forms furnished by the board, a written application for examination and license, containing such
35 information as the board may require, accompanied by the required application fee established by
36 the ~~[board]~~ **office of professional licensure and certification**. Proctored examinations shall be
37 written, written and oral, oral, or computerized as approved by the board, and shall be of a thorough

1 and practical character. They shall include such provisions of the National Electrical Code as the
2 board may deem appropriate. Any person failing to pass his or her first examination may be
3 reexamined at any subsequent examination meeting of the board or by an examination entity
4 approved by the board, and thereafter may be examined as often as he or she may desire upon
5 submitting the written application for examination and license and payment of the required
6 application fee as set forth in this chapter.

7 319-C:9 Renewal of Licenses.

8 I. Notwithstanding any outstanding license to the contrary, all licenses issued by the board
9 shall be valid for 3 years and expire on the last day of the month of the licensee's birth~~[-but may be~~
10 ~~renewed without additional fees during the following month, retroactive to the first day of the~~
11 ~~month].~~ Upon payment of the [normal] renewal fee [and a late fee], licenses which have [been]
12 expired [for at least one month] shall be permitted to be renewed within one year after the date of
13 expiration. [~~The fees for renewal and late renewal of a license issued under this chapter shall be~~
14 ~~established by the board.~~]

15 II. Upon request of a master, journeyman, or high/medium voltage electrician who is serving
16 in the Armed Forces of the United States, the board shall place such licensee on inactive status. The
17 license for a master or journeyman electrician may be reactivated within one year of discharge by
18 payment of the renewal fee and with proof of completion of the most current continuing education
19 requirement. The license for a high/medium voltage electrician shall be reactivated within one year
20 of discharge by payment of the renewal fee.

21 93 Guardian ad Litem Board; Duties. Amend RSA 490-C:4, I(c) to read as follows:

22 (c) Establish requirements~~[]~~ **and** criteria~~[-and fees]~~ for the certification, recertification,
23 reinstatement, and renewal of certification of guardians ad litem.

24 94 Guardian ad Litem Board; Duties. Amend RSA 490-C:4, II(c) to read as follows:

25 (c) Establish requirements~~[]~~ **and** criteria~~[-and fees]~~ for the conditional certification or
26 temporary certification of guardians ad litem or both, including procedures and requirements
27 regarding the circumstances and manner in which individuals may be temporarily or conditionally
28 certified, the term and duration of conditional or temporary certification, and the ethical standards
29 and standards of practice applicable to persons so certified.

30 95 Guardian ad Litem Board; Certification. Amend RSA 490-C:5-a, II to read as follows:

31 II. Certification issued by the board shall be valid for 3 years from the date of issuance, and
32 shall expire 3 years from the date of issuance, unless renewed or reissued pursuant to rules adopted
33 by, and upon payment of fees established in, the rules ~~[of the board]~~ **adopted pursuant to RSA**
34 **541-A.**

35 96 Manufactured Housing Installation Standards; Expiration. Amend RSA 205-D:11, I to read
36 as follows:

1 I. All licenses issued by the board shall expire on the last day of the month of the licensee's
2 birth in the third year following the year of issuance~~[, but may be renewed during the following~~
3 ~~month, retroactive to the first day of the month]~~. Upon failure to pay the renewal fee within the
4 required period, a licensee may renew his or her license by submitting the required fee plus \$10
5 before the last day of the second month following the month of his or her birth.

6 97 Manufactured Housing Installation Standards; Rulemaking. Amend RSA 205-D:20, II to
7 read as follows:

8 II. The ~~[design and]~~ content of all forms and applications required under this chapter.

9 98 Mechanical Licensing Board; Membership. Amend RSA 153:27-a, III(c) to read as follows:

10 (c) ~~[One]~~ **Two** certified heating equipment installer or heating equipment service
11 ~~[person]~~ **persons** under RSA 153:16-b.

12 99 Mechanical Licensing Board; Rulemaking. Amend the introduction of RSA 153:28, I to read
13 as follows:

14 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
15 appointed board members, in consultation with the state fire marshal ~~[and with the approval of the~~
16 ~~commissioner of safety]~~, shall adopt rules, pursuant to under RSA 541-A, necessary for the proper
17 implementation of the licensure requirements established in this subdivision, which shall include
18 the following:

19 100 Mechanical Licensing Board; Rulemaking. Amend RSA 153:28, V to read as follows:

20 V. The board, **through the office of professional licensure and certification**, may enter
21 into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from
22 states which have a mutual mechanical licensing reciprocity agreement with this state, for all
23 mechanical licenses listed in paragraph I(a) provided the board determines that the requirements for
24 licensure in that state are equivalent to, or greater than, those established by this subdivision.

25 101 Mechanical Licensing Board; Examinations. Amend RSA 153:29, I to read as follows:

26 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
27 appointed board members, in consultation with the state fire marshal ~~[and with the approval of the~~
28 ~~commissioner of safety]~~, shall establish, through rulemaking pursuant to RSA 541-A, the nature of
29 the examinations required for issuance of fuel gas fitter licenses and plumbers licenses. The scope of
30 such examinations and the methods of procedure shall be prescribed by the board. This may include
31 an outside organization approved by the board.

32 102 Mechanical Licensing Board; License. Amend RSA 153:29, IV to read as follows:

33 IV. ~~[The licensee shall have in his or her possession a current biennial license issued by the~~
34 ~~board.]~~ The license **issued** shall be available for inspection on request. ~~[The board shall issue a~~
35 ~~license suitable to be carried by the individual licensee.]~~

36 103 Mechanical Licensing Board; Rulemaking. Amend RSA 153:29-a, III to read as follows:

1 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
2 appointed board members, in consultation with the state fire marshal [~~and with the approval of the~~
3 ~~commissioner of safety~~], shall adopt rules, pursuant to RSA 541-A, relative to the application and
4 renewal procedure and any eligibility requirements in addition to those in this subdivision for a fuel
5 gas fitter license or plumber for business entities issued pursuant to this section.

6 104 Mechanical Licensing Board; Late Fee. Amend RSA 153:30, I(b) to read as follows:

7 (b) If a person or business entity fails to renew a license prior to expiration, the person
8 or business entity may have the license reinstated within 365 days of its expiration [~~by paying the~~
9 ~~late fee in addition to the renewal fee. A late fee is not required during the first 30 days of~~
10 ~~expiration~~].

11 105 Mechanical Licensing Board; Appeals; Inspectors. Amend RSA 153:33-34 to read as follows:

12 153:33 Appeals From Board Decisions.

13 I.~~(a) A party to the proceedings shall have the right to file a petition with the superior court~~
14 ~~or the department of safety bureau of hearings to request a review of the final order of the board~~
15 ~~within 30 days of the date of the final order.~~

16 ~~(b) For appeals through the bureau of hearings, the bureau of hearings shall review the~~
17 ~~record as developed before the board, together with any written legal argument presented to the~~
18 ~~bureau at the earliest practical time. Based on that review, the bureau may affirm or reverse the~~
19 ~~decision of the board or order that oral argument be held. As justice may require, the bureau may~~
20 ~~remand the case to the board for further findings and rulings. The petition for appeal shall set forth~~
21 ~~all the grounds upon which the final order is sought to be overturned. Issues not raised by the~~
22 ~~appellant before the board shall not be raised before the bureau of hearings. The burden of proof~~
23 ~~shall be on the appellant to show that the decision of the board was unreasonable or unlawful.~~

24 ~~(c) No new or additional evidence shall be introduced in the bureau of hearings, but the~~
25 ~~case shall be determined upon the record and evidence transferred, except that in any case, if justice~~
26 ~~requires the review of evidence which by reason of accident, mistake, or misfortune could not have~~
27 ~~been offered before the board, the bureau of hearings shall remand the case to the board to receive~~
28 ~~and consider such additional evidence.~~

29 II.~~(a) A party to the proceeding shall have the right to file a petition in the superior court of~~
30 ~~the county in which the licensee resides to review the final order of the board or the bureau of~~
31 ~~hearings within 30 days of the date of the final order.~~

32 ~~(b) At the earliest practical time, the court shall review the record as developed before~~
33 ~~the board and/or the bureau of hearings, together with any written legal argument presented to the~~
34 ~~court. Based on that review, the court may affirm or reverse the decision of the board or order that~~
35 ~~oral argument be held. As justice may require, the court may remand the case to the board for~~
36 ~~further findings and rulings. The petition for appeal shall set forth all the grounds upon which the~~
37 ~~final order is sought to be overturned. Issues not raised by the appellant before the board shall not~~

1 ~~be raised before the superior court. The burden of proof shall be on the appellant to show that the~~
2 ~~decision of the board was unreasonable or unlawful.~~

3 (e) ~~No new or additional evidence shall be introduced in the superior court, but the case~~
4 ~~shall be determined upon the record and evidence transferred, except that in any case, if justice~~
5 ~~requires the review of evidence which by reason of accident, mistake, or misfortune could not have~~
6 ~~been offered before the board, the superior court shall remand the case to the board to receive and~~
7 ~~consider such additional evidence.] **Final licensure and disciplinary actions of the board may**~~
8 ~~**be appealed to the supreme court pursuant to RSA 541; however, no sanction imposed by**~~
9 ~~**the board shall be stayed during the appeal.**~~

10 153:34 Inspectors.

11 I. The ~~[state fire marshal with the approval of the board and the commissioner of safety]~~
12 **executive director** shall have the authority to appoint such inspectors as are necessary to insure
13 compliance throughout the state with practices consistent with the public safety and welfare. Any
14 person so employed shall be under the administration and supervisory direction of the state fire
15 marshal.

16 II. An inspector appointed under this subdivision shall have the authority to enter any
17 premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed,
18 work regulated under this subdivision for the purpose of making such inspection as is necessary to
19 carry out his or her duties under this subdivision. If consent for such inspection is denied or not
20 reasonably obtainable, the ~~[state fire marshal]~~ **executive director** or his or her designee may obtain
21 an administrative inspection warrant under RSA 595-B.

22 III. An inspector appointed under this subdivision may order the removal or correction of
23 any violation of this subdivision.

24 IV. Whenever an inspector orders the removal or correction of a violation under paragraph
25 III, he or she shall immediately notify the local building inspection department or administrative
26 authority of the town where the violation is located, and further order that all the work in violation
27 be corrected prior to continuance. The local building authority shall approve the continuation of
28 work upon being satisfied that violations have been corrected and shall notify the inspector of such
29 approval.

30 106 Water Treatment Technicians; License. Amend RSA 153:38, I to read as follows:

31 I. Any person who has acted as a water treatment trainee for a period of not less than one
32 year shall, upon payment of the fees established by the ~~[board]~~ **office of professional licensure**
33 **and certification**, be entitled to examination and, upon achieving the passing score on the
34 examination, be certified as a water treatment technician. A certificate issued under this section
35 shall be carried on the person and displayed at any time upon request. Any person failing to achieve
36 the passing score on the examination may be examined as often as he or she may desire.

37 107 Water Treatment Technicians; Rulemaking. Amend RSA 153:38, V to read as follows:

1 V. The board~~[, with the approval of the commissioner,]~~ shall adopt rules pursuant to RSA
2 541-A to implement the certification requirements established in this section, including the
3 application procedure and any eligibility requirements in addition to those in this section for
4 certification as a certified water treatment technician or water treatment trainee, **and** the renewal
5 of certification and reinstatement of certification~~[, and to establish the fees for certification of water
6 treatment technicians and water treatment trainees].~~

7 108 Real Estate Appraisers; License Fees. Amend RSA 310-B:5, II to read as follows:

8 II. Appropriate fees~~[, as fixed by the board under rules established pursuant to RSA 541-A,]~~
9 shall accompany all applications for original license, certification, renewal license, renewal
10 certification, reciprocal license, and reciprocal certification. An annual federal registration fee shall
11 be collected by the board for transmittal to the federal government under Title XI.

12 109 Real Estate Appraisers; Lapse of License; Late Fee. Amend RSA 310-B:13-a, I-III to read as
13 follows:

14 I. If a license is not renewed before the expiration date, then the license is deemed to have
15 expired, and a licensee may renew an expired license up to 6 months after its expiration date by
16 complying with the requirements of RSA 310-B:13 ~~[and by submitting the required late fee].~~

17 II. If an expired license is not renewed within 6 months under paragraph I, then the license
18 is deemed to have lapsed and such person may obtain a license only by qualifying anew as an
19 original applicant. However, the board may renew a lapsed license for good cause shown within a
20 reasonable time not to exceed one year from the date of expiration.

21 III. If a license expires or lapses as a result of a person being ordered to active duty with the
22 armed forces, the 6-month time period for complying with the requirement of RSA 310-B:13 shall
23 begin upon the licensee's date of discharge or release from active duty~~[, and the late fee shall be
24 waived].~~

25 110 Real Estate Practice; Reimbursement of Board Members. Amend RSA 331-A:5, VI-VIII to
26 read as follows:

27 VI. The commission shall annually elect, from among its members, a chairperson and a
28 clerk. ~~[Each member of the commission shall receive \$50 for each day actually engaged in the duties
29 of the office, and shall be reimbursed for actual travel expenses while performing official duties.]~~

30 VII. The commission shall adopt an official seal.

31 VIII. The commission shall hold at least 4 regular meetings each year. A simple majority of
32 the commission members currently serving shall constitute a quorum of the commission. Whenever
33 a quorum of commission members is unable to hear a particular case, the commission may appoint
34 one or more former commission members as alternates to hear that case, starting with the most
35 recent member to leave the commission and proceeding in reverse chronological order of former
36 members. Alternates shall be appointed and sworn in on a case-by-case basis only~~[, and shall receive
37 compensation as provided for members under RSA 331-A:5, VI].~~

1 111 Real Estate Commission; Powers; Fees. Amend RSA 331-A:7, IV to read as follows:

2 IV. [~~Charge a reasonable fee for the examination to cover the cost of administering the~~
3 ~~examination program. The commission may spend money from the examination fees to~~] Engage a
4 qualified testing service selected by the commission to prepare, structure, administer and conduct
5 the examination under the direction of the commission.

6 112 Real Estate Commission; Salesperson and Associate Broker's Licenses. Amend RSA 331-
7 A:17, IV to read as follows:

8 IV. [~~The license of a real estate salesperson or associate broker shall be retained at all times~~
9 ~~by the principal broker and~~] Whenever a licensed salesperson or associate broker changes his or her
10 affiliation from one licensed principal broker to another or ceases to represent the principal broker,
11 the principal broker shall notify the commission in writing of the termination. [~~Such notice shall be~~
12 ~~accompanied by the salesperson's or associate broker's license.~~] Failure of any principal broker to
13 notify the commission of such salesperson's or associate broker's termination within 5 days after the
14 termination of the salesperson or associate broker shall be grounds to discipline the principal broker.

15 113 Real Estate Commission; Late Fees. Amend RSA 331-A:18, I-III to read as follows:

16 I. If a license is not renewed before the expiration date, then the license is deemed to have
17 expired, and a licensee may renew an expired license up to 6 months after its expiration date by
18 complying with the requirements of RSA 331-A:19 [~~and by submitting the required late fee~~].

19 II. If an expired license is not renewed within 6 months under paragraph I, then the license
20 is deemed to have lapsed and such person may obtain a license only by qualifying anew as an
21 original applicant. However, the commission may renew a lapsed license within a reasonable time
22 from the date of lapse for good cause shown.

23 III. If a license expires or lapses as a result of a person being ordered to active duty with the
24 armed forces, the 6-month time period for complying with the requirement of RSA 331-A:19 shall
25 begin upon the licensee's date of discharge or release from active duty[~~and the late fee shall be~~
26 ~~waived~~].

27 114 Real Estate Commission; Renewal of Licenses. Amend RSA 331-A:19, I to read as follows:

28 I. The commission shall [~~mail~~] **provide** each licensee a renewal notice [~~or, at the licensee's~~
29 ~~request, the commission may provide the renewal notice by other means acceptable to the~~
30 ~~commission,~~] at least 60 days before expiration of the license.

31 115 Real Estate Commission; Fee. Amend RSA 331-A:20, IV to read as follows:

32 IV. The [~~commission~~] **office of professional licensure and certification** may establish a
33 fee for educational program evaluation.

34 116 Repeal. The following are repealed:

35 I. RSA 330-C:5, X, relative to authority of the board of alcohol and other drug use
36 professionals to set fees.

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1 II. RSA 330-C:8, relative to the authority of the board of alcohol and other drug use
2 professionals to set fees.

3 III. RSA 330-C:23, II, relative to reinstatement fees for licensed alcohol and other drug use
4 professional.

5 IV. RSA 328-F:15, relative to fees set by the board of directors of allied health professionals.

6 V. RSA 313-A:8, V, relative to rulemaking authority of the board of barbering, cosmetology,
7 and esthetics to set fees.

8 VI. RSA 316-A:5, relative to the authority of the chiropractic board to set fees.

9 VII. RSA 317-A:12, XII-a(d), relative to certain rulemaking of the board of dental examiners.

10 VIII. RSA 325:12-a, relative to fees for embalmers and funeral directors.

11 IX. RSA 328-I:6, II(c), relative to the authority of the board of registration for medical
12 technicians to conduct criminal history checks.

13 X. RSA 326-B:4, XIII, relative to the authority of the nursing board to set fees.

14 XI. RSA 326-B:8, relative to the authority of the board of nursing to set fees.

15 XII. RSA 151-A:4-a, II, relative to the authority of the board of nursing home administrators
16 to set fees.

17 XIII. RSA 327:5-a, relative to the authority of the board of optometry to set fees.

18 XIV. RSA 327:25-a, IV(c), relative to fees for out of state contact lens sale companies.

19 XV. RSA 327:31, VI, relative to the authority of the board of optometrists to set fees.

20 XVI. RSA 318:6-a, relative to the authority of the board of pharmacy to set fees.

21 XVII. RSA 315:15, relative to the authority of the board of podiatry to set fees.

22 XVIII. RSA 332-B:6, relative to veterinary board revenues.

23 XIX. RSA 310-A:5-a, relative to notice of rulemaking proceedings by the board of
24 professional engineers.

25 XX. RSA 310-A:7, relative to fees set by the board of professional engineers.

26 XXI. RSA 310-A:33, relative to fees set by the board of architects.

27 XXII. RSA 310-A:60, relative to fees set by the board of land surveyors.

28 XXIII. RSA 310-A:92, relative to fees set by the board of natural scientists.

29 XXIV. RSA 310-A:116, relative to administrative costs of the board of licensed foresters.

30 XXV. RSA 310-A:144, relative to fees set by the board of licensed landscape architects.

31 XXVI. RSA 310-A:154, II, relative to late fees issued by the board of licensed landscape
32 architects.

33 XXVII. RSA 310-A:171, relative to fees set by the board of court reporters.

34 XXVIII. RSA 310-A:206, VI, relative to reimbursement of members of the board of septic
35 system evaluators.

36 XXIX. RSA 310-A:208, relative to fees set by the board of septic system evaluators.

37 XXX. RSA 319-C:6-b, relative to fees set by the board of electricians.

- 1 XXXI. RSA 328-C:11, relative to fees set by the board of family mediator certification.
- 2 XXXII. RSA 490-C:4, II(d), relative to fees set by the guardian ad litem board.
- 3 XXXIII. RSA 205-D:2, IV, relative to reimbursement of the members of the manufactured
4 housing installation standards board.
- 5 XXXIV. RSA 205-D:12, I, relative to fees set by the manufactured housing installation
6 standards board.
- 7 XXXV. RSA 205-D:20, III, relative to application procedure for licensure as a manufactured
8 housing installer.
- 9 XXXVI. RSA 205-D:20, VII, relative to fees set by the manufactured housing installation
10 standards board.
- 11 XXXVII. RSA 153:27-a, III(d), relative to membership of the mechanical licensing board.
- 12 XXXVIII. RSA 153:27-a, VI, relative to monthly accountings of the mechanical licensing
13 board.
- 14 XXXIX. RSA 153:28, II, relative to fees set by the mechanical licensing board.
- 15 XL. RSA 153:29-a, IV, relative to fees set by the mechanical licensing board.
- 16 XLI. RSA 153:30, III, relative to reinstatement fees set by the mechanical licensing board.
- 17 XLII. RSA 153:31, relative to waiver of mechanical licensing standards by the commissioner
18 of the department of safety during emergencies.
- 19 XLIII. RSA 153:32, IV, relative to reinstatement fees set by the mechanical licensing board.
- 20 XLIV. RSA 153:16-b, III, relative to fees set by the mechanical licensing board.
- 21 XLV. RSA 310-B:4, VIII, relative to reimbursement of the real estate appraiser board.
- 22 XLVI. RSA 310-B:12-e, relative to appraisal management company fees.
- 23 XLVII. RSA 310-B:20, relative to fees set by the real estate appraiser board.
- 24 XLVIII. RSA 331-A:7, II, relative to fees set by the real estate commission.
- 25 XLIX. RSA 331-A:10-a, II-III, relative to review of criminal record history by the real estate
26 commission.
- 27 L. RSA 331-A:11, IV, relative to notification of examination results by the real estate
28 commission.
- 29 LI. RSA 331-A:15, III-IV, relative to form of real estate licenses.
- 30 LII. RSA 331-A:17, V, relative to salesperson and associate broker licenses.
- 31 LIII. RSA 331-A:24, relative to fees set by the real estate commission.
- 32 LIV. RSA 331-A:24-a, relative to notice of rulemaking proceedings by the real estate
33 commission.
- 34 LV. RSA 331-A:25, IV, relative to fees set by the real estate commission.
- 35 LVI. RSA 331-A:31, relative to payment of the cost and expenses of hearings conducted by
36 the real estate commission.

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- 1 LVII. RSA 310-B:21, relative to receipts and disbursements by the real estate appraisers
- 2 board.
- 3 117 Effective Date. This act shall take effect 60 days after its passage.

SB 313 - AS AMENDED BY THE SENATE

03/24/2022 1118s

2022 SESSION

22-2924

11/04

SENATE BILL **313**

AN ACT relative to the authority of the office of professional licensure and certification to establish fees and establishing a committee to study and make recommendations relative to funding of the office of professional licensure and certification.

SPONSORS: Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Avar, Dist 12; Sen. Carson, Dist 14; Rep. P. Schmidt, Straf. 19; Rep. Lang, Belk. 4; Rep. McGuire, Merr. 29

COMMITTEE: Ways and Means

AMENDED ANALYSIS

This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of the boards, commissions, and councils administered by the office of professional licensure and certification. The bill also establishes a committee to study and make recommendations relative to the funding of 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 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 Two

AN ACT relative to the authority of the office of professional licensure and certification to establish fees and establishing a committee to study and make recommendations relative to funding of the office of professional licensure and certification.

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

1 1 Findings. The general court finds that:

2 I. There are statutory conflicts concerning the fee-setting authority of the office of
3 professional licensure and certification and the boards, councils, and commissions within the office.

4 II. Some boards are not currently covering 100 percent of operating costs, while other boards
5 are generating revenue more than 125 percent of operating expenses in violation of state statute.

6 III. Certain licensees may not be able to afford cost of a license.

7 IV. The office and certain boards dispute how shared costs should be allocated among the
8 boards, councils, and commissions within the office.

9 V. Other states have used different funding approaches to occupational licensing.

10 2 Committee Established.

11 I. There is established a committee to study and make recommendations relative to funding
12 of the office of professional licensure and certification and the boards, councils, and commissions
13 within the office.

14 II. The members of the committee shall be as follows:

15 (a) Three members of the house of representatives, at least 2 of whom shall be from the
16 executive departments and administration committee, appointed by the speaker of the house of
17 representatives.

18 (b) One member of the senate who serves on the executive departments and
19 administration committee, appointed by the president of the senate.

20 III. Members of the committee shall receive mileage at the legislative rate when attending
21 to the duties of the committee.

22 IV. The committee shall:

23 (a) Review the funding sources, fee-setting authority, and fees of the office and the
24 boards, councils, and commissions, within the office and make recommendations, if any, regarding
25 changes to the current statutory framework.

26 (b) Identify and make recommendations for changes to funding occupational licensing in
27 New Hampshire, if any.

28 (c) If necessary, make recommendations for changes to the allocation of shared costs
29 among the boards, councils, and commissions within the office.

1 (d) Seek input from state agencies and the boards, councils, and commissions within the
2 office, and any other person or entity the committee deems relevant to its study.

3 V. The members of the study committee shall elect a chairperson from among the members.
4 The first meeting of the committee shall be called by the senate member. The first meeting of the
5 committee shall be held within 45 days of the effective date of this section. Three members of the
6 committee shall constitute a quorum.

7 VI. The committee shall submit a report of its findings and any recommendations for
8 proposed legislation to the speaker of the house of representatives, the president of the senate, the
9 house clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

10 3 Acupuncture; Fees. Amend RSA 328-G:9, II(d) to read as follows:

11 (d) Has paid the [\$110] license fee and filed the application established by the board.

12 4 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:8, I to read as follows:

13 I. The board shall charge licensed alcohol and drug counselors, licensed clinical supervisors,
14 and certified recovery support workers a [\$110] fee for the issuance of an initial license or certificate,
15 and [\$110] a fee for the renewal of a license or certificate under this chapter. ~~[The fee for a master~~
16 ~~licensed alcohol and drug counselor shall be \$240 and the renewal fee shall be \$240.]~~ All licenses
17 shall be renewed biennially on or before June 30 upon payment of the license renewal fee. In
18 addition the board shall establish by rule fees for license and certificate applications, late renewal,
19 and reinstatement of all licenses and certifications authorized by this chapter.

20 5 Body Art; License Required; Fees. Amend RSA 314-A:2, II to read as follows:

21 II. ***There shall be a fee for an initial license and a renewal license.*** The procedure
22 and timeframe for license renewals shall be as described in RSA 310-A:1-h.

23 6 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

24 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who
25 attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall
26 receive a license from the board as a chiropractor permitted to practice in New Hampshire. ~~[The fee~~
27 ~~for an initial license and for a license renewal shall be \$300.]~~ ***Each applicant who qualifies***
28 ***under this chapter shall pay a fee for an initial license and a license renewal. The initial***
29 ***license and license renewals shall be valid for the terms established under RSA 310-A:1-h.***

30 7 Chiropractic; Renewal. Amend RSA 316-A:20, II to read as follows:

31 II. Each applicant for renewal shall submit satisfactory evidence that the applicant has
32 completed at least 20 hours of continuing education approved by or conducted by the International
33 Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of
34 chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to
35 the date of renewal. ***In the event of failure to comply with the provisions of this section, the***
36 ***applicant shall appear before the board to show cause why the license should not be***
37 ***suspended.***

1 8 Electrologists; Fees. Amend RSA 314:10, I to read as follows:

2 I. ~~[The fee for an initial biennial license and for renewal of the biennial license issued under~~
3 ~~this chapter shall be \$110.]~~ The executive director shall establish by rule a schedule of fees for
4 **initial and renewal licenses**, applications, examinations, and license replacement.

5 9 Embalmers and Funeral Directors; Fees. Amend RSA 325:12-a to read as follows:

6 325:12-a Fees. ~~[The fee for an initial 2 year license and for renewal of a license issued under this~~
7 ~~chapter shall be: \$110 for embalmers and \$300 for funeral directors.]~~ The board shall establish fees
8 for **initial and renewal licenses**, examination of applicants, for apprentices, for funeral home
9 inspections, and for transcribing and transferring records and other services.

10 10 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:6,
11 I(a) to read as follows:

12 (a) Submits the required application form and ~~[\$110]~~ licensing fee.

13 **11 Massage Therapists and Massage Establishments; License Issuance.** Amend RSA 328-
14 B:7 to read as follows:

15 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last
16 day of the birth month of the licensee in the even-numbered year, upon approval of the executive
17 director of the renewal application and submission of the required ~~[\$110]~~ renewal fee.

18 12 Board of Registration of Medical Technicians; Fees. Amend RSA 328-I:6, I to read as follows:

19 I. The board may register any person who submits a completed application **and pays the**
20 **established fee.** ~~[The fee for registration under this chapter shall be \$110.]~~

21 13 Board of Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-I:8
22 to read as follows:

23 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be
24 subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the
25 board. ~~[The fee for renewal of certificates of registration shall be \$110.]~~ Certificates of registration
26 for medical technician shall be renewed upon the payment of the renewal fee.

27 14 Nursing Home Administrators; Qualifications for Admission to Examination. Amend the
28 introductory paragraph RSA 151-A:5 to read as follows:

29 The board shall admit to examination for licensure as a nursing home administrator any
30 candidate who pays a ~~[\$300]~~ licensing fee and submits evidence of good moral character and
31 suitability prescribed by the board and evidence that the candidate is at least 21 years old and has
32 completed preliminary education satisfactory to the board; provided:

33 15 Ophthalmic Dispensing; Application and Registration Fees. Amend RSA 327-A:7 to read as
34 follows:

35 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
36 ophthalmic dispensing shall be accompanied by a non-refundable registration fee~~[of \$110]~~. Upon
37 approval of the application by the executive director, the applicant shall be issued a certificate of

1 registration for ophthalmic dispensing, which shall be renewed biennially on or before June 30 upon
2 payment of the renewal fee. [~~The fee for renewal of any certificate of registration shall be \$110.~~]

3 16 Optometry; Licenses; Qualification. Amend RSA 327:6 to read as follows:

4 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
5 practice optometry without a license. The board shall not issue a license to any applicant until the
6 person has passed an examination approved by the board, and has presented satisfactory evidence in
7 the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral
8 character, has completed a minimum of 2 years at a college of arts and sciences and has graduated
9 from a school or college of optometry approved by the board, maintaining a minimum of 4 years in
10 optometric training. Persons who submit an application which demonstrates that they meet the
11 eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A,
12 and pay the [\$300] licensing fee, shall be licensed by the board.

13 17 Optometry; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327:25-a, IV
14 to read as follows:

15 IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail
16 of contact lenses to individuals within the state unless such business is registered with a permit
17 issued by the board of pharmacy if the out-of-state business is a pharmacy, or by the board of
18 registration in optometry if the out-of-state business is not a pharmacy.

19 (b) The board of pharmacy or the board of registration in optometry shall issue a permit
20 to such out-of-state business if the business discloses and provides proof:

21 (1) That the business is in compliance with all applicable laws and rules in the state
22 in which the business is located;

23 (2) Of the operating locations and the names and titles of all principal corporate
24 officers;

25 (3) That the business complies with all lawful directions and requests for
26 information from the board of pharmacy and the board of registration in optometry of all states in
27 which it conducts business; [~~and~~]

28 (4) That the business agrees in writing to comply with all New Hampshire laws and
29 rules relating to the sale or dispensing of contact lenses; *and*

30 (5) *That the business has paid the established fee.*

31 [~~(c) The board of pharmacy or the board of registration in optometry shall assess the~~
32 ~~following registration fees for out-of-state contact lens sale companies:~~

33 (1) ~~\$300 for the initial registration.~~

34 (2) ~~\$150 for an annual registration renewal.]~~

35 18 Podiatry; Licenses. Amend RSA 315:8, I to read as follows:

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1 I. The board shall issue a license to applicants who have submitted a complete application,
2 paid a ~~[\$300]~~ license fee, achieved a satisfactory examination score, and satisfied all other criteria of
3 competence and professional character required by this chapter.

4 19 Psychologists; Establishment of Fees. Amend RSA 329-B:12, I to read as follows:

5 I. ~~[The fee for an initial license shall be \$300.]~~ ***There shall be a fee for an initial license.***
6 The license shall be renewed biennially on or before June 30 upon payment of a ~~[\$300]~~ renewal fee.

7 20 Reflexologists; Structural Integrators; and Asian Bodywork Therapists; Practitioner License
8 Issuance. Amend RSA 328-H:8, I(c) to read as follows:

9 (c) Makes payment of the ~~[\$110]~~ license fee;

10 21 Reflexologists, Structural Integrators, and Asian Bodyworks. Amend RSA 328-H:9, II to read
11 as follows:

12 II. All licenses issued pursuant to this chapter shall be renewed biennially on or before June
13 30 upon approval by the executive director of the renewal application and submission of the required
14 ~~[\$110]~~ renewal fee.

15 22 Court Reporters; Term of License. Amend RSA 310-A:173 to read as follows:

16 310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be
17 every 2 years. All licenses issued by the board shall expire on the last day of the month of the
18 licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall
19 notify every licensee of the date of the expiration of the license and the amount of the fee that shall
20 be required for its renewal for 2 years~~[-such amount to be not less than \$200].~~ Such notice shall be
21 mailed at least one month in advance of the date of expiration. Renewal may be effected at any time
22 during the month of expiration by the payment of the fee established by the board and submission of
23 evidence satisfactory to the board showing fulfillment of continuing education requirements. If a
24 licensee fails to renew such license within the 12 months after the date of expiration, it shall become
25 null and void and the licensee shall be required to reapply for licensure. The board, pursuant to
26 rules adopted under RSA 310-A:171, shall charge up to a 20 percent late fee for each month or
27 fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

28 23 Septic System Evaluators; Fees. Amend RSA 310-A:208, I and II to read as follows:

29 I. Application for licensure~~[-the fee for which shall not exceed \$150 for the initial 2-year~~
30 ~~license].~~

31 II. Renewal for license holders~~[-the fee for which shall not exceed \$150 for the 2-year~~
32 ~~renewal].~~

33 24 Certification of Heating Equipment Installers. Amend RSA 153:16-b, II and III to read as
34 follows:

35 II. The mechanical licensing board with the approval of the ~~[commissioner]~~ ***executive***
36 ***director of the office of professional licensing and certification*** shall adopt rules, pursuant to

1 RSA 541-A, relative to the establishment of minimum education and training standards for
2 voluntarily certified heating equipment installers and heating equipment service personnel.

3 III. The mechanical licensing board with the approval of the ~~[commissioner]~~ **executive**
4 **director of the office of professional licensing and certification** shall adopt rules, which shall
5 not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under
6 this section. After the first year of this program, such fees shall be sufficient to produce estimated
7 revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees
8 collected shall be deposited in the general fund.

9 25 State Board of Fire Control; Rulemaking. Amend the introductory paragraph of RSA 153:28,
10 I to read as follows:

11 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
12 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
13 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
14 **director of the office of professional licensure and certification**, shall adopt rules, pursuant to
15 under RSA 541-A, necessary for the proper implementation of the licensure requirements
16 established in this subdivision, which shall include the following:

17 26 State Board of Fire Control; Rulemaking. Amend RSA 153:28, II-V to read as follows:

18 II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
19 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
20 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
21 **director of the office of professional licensure and certification**, shall establish application
22 fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this
23 subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not
24 exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified
25 copies and reports, for inspections done pursuant to this subdivision, for letters of verification
26 requested by individuals or jurisdictions relating to licensure and certification, and for transcribing
27 and transferring records and other services. The fee for examination by third parties shall be
28 separate from the fees established by the board. Fees established by the board shall be sufficient to
29 produce estimated revenues equal to 125 percent of the direct operating expenses of the board
30 budgeted for the biennium in which they will apply. Fees collected shall be deposited in the general
31 fund.

32 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
33 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
34 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
35 **director of the office of professional licensure and certification**, shall adopt technical
36 standards for fuel gas fitting and plumbing by rule under RSA 541-A. The board shall use applicable
37 codes as adopted by the state of New Hampshire.

1 IV. The ~~[state fire marshal]~~ *office of professional licensure and certification* shall
2 assist and support the board in administering and enforcing the provisions of this subdivision.

3 V. The board, *through the office of professional licensure and certification*, may enter
4 into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from
5 states which have a mutual mechanical licensing reciprocity agreement with this state, for all
6 mechanical licenses listed in paragraph I(a) provided the board determines that the requirements for
7 licensure in that state are equivalent to, or greater than, those established by this subdivision.

8 27 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, I to read as
9 follows:

10 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
11 appointed board members, in consultation with the ~~[state fire marshal]~~ *office of professional*
12 *licensure and certification* and with the approval of the ~~[commissioner of safety]~~ *executive*
13 *director of the office of professional licensure and certification*, shall establish, through
14 rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas
15 fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure
16 shall be prescribed by the board. This may include an outside organization approved by the board.

17 28 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, IV to read as
18 follows:

19 IV. ~~[The licensee shall have in his or her possession a current biennial license issued by the~~
20 ~~board.]~~ The license *issued* shall be available for inspection on request. The board shall issue a
21 license suitable to be carried by the individual licensee.

22 29 State Board of Fire Control; Mechanical Licenses. Amend RSA 153:29-a, III to read as
23 follows:

24 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
25 appointed board members, in consultation with the ~~[state fire marshal]~~ *office of professional*
26 *licensure and certification* and with the approval of the ~~[commissioner of safety]~~ *executive*
27 *director of the office of professional licensure and certification*, shall adopt rules, pursuant to
28 RSA 541-A, relative to the application and renewal procedure and any eligibility requirements in
29 addition to those in this subdivision for a fuel gas fitter license or plumber for business entities
30 issued pursuant to this section.

31 30 State Board of Fire Control; Appeals From Board Decisions. RSA 153:33 is repealed and
32 reenacted to read as follows:

33 153:33 Appeals From Board Decisions. Any person affected by a final decision of the board may
34 appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a,
35 within 30 days of the date of the final order.

36 31 New Hampshire Building Code; Appeals of Decisions. Amend the section heading in RSA
37 155-A:11-a and RSA 155-A:11-a, I to read as follows:

1 155-A:11-a Appeal of Decisions [~~of the Electricians' Board and the Board of Home Inspectors~~].

2 I. The board shall hear appeals of final decisions of the board established under RSA 319-
3 C:4 [~~and~~], the board established under RSA 310-A:186, *and the board established under RSA*
4 *153:27-a*.

5 32 State Board of Fire Control; Inspectors. Amend RSA 153:34, I and II to read as follows:

6 I. The [~~state fire marshal~~] *office of professional licensure and certification* with the
7 approval of the board and the [~~commissioner of safety~~] *executive director of the office of*
8 *professional licensure and certification* shall have the authority to appoint such inspectors as
9 are necessary to insure compliance throughout the state with practices consistent with the public
10 safety and welfare. Any person so employed shall be under the administration and supervisory
11 direction of the [~~state fire marshal~~] *office of professional licensure and certification*.

12 II. An inspector appointed under this subdivision shall have the authority to enter any
13 premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed,
14 work regulated under this subdivision for the purpose of making such inspection as is necessary to
15 carry out his or her duties under this subdivision. If consent for such inspection is denied or not
16 reasonably obtainable, the [~~state fire marshal~~] *executive director of the office of professional*
17 *licensure and certification*, or his or her designee, may obtain an administrative inspection
18 warrant under RSA 595-B.

19 33 State Board of Fire Control; Voluntary Certification of Water Treatment Technicians.
20 Amend RSA 153:38, IV and V to read as follows:

21 IV. The board may issue certification without examination to those water treatment
22 technicians who provide adequate documentation of having operated in the capacity of a water
23 treatment technician for a period of at least one year prior to January 1, [~~2004~~] *2024* and who pay
24 the required fees.

25 V. The board, with the approval of the [~~commissioner~~] *executive director of the office of*
26 *professional licensure and certification*, shall adopt rules pursuant to RSA 541-A to implement
27 the certification requirements established in this section, including the application procedure and
28 any eligibility requirements in addition to those in this section for certification as a certified water
29 treatment technician or water treatment trainee, the renewal of certification and reinstatement of
30 certification, and to establish the fees for certification of water treatment technicians and water
31 treatment trainees.

32 34 Repeal. RSA 310-A:1-h, I, relative to certain professions administered by the office of
33 professional licensure and certification, is repealed.

34 35 Effective Date. This act shall take effect upon its passage.

SB 313 - AS AMENDED BY THE HOUSE

03/24/2022 1118s
21Apr2022... 1385h

2022 SESSION

22-2924
11/04

SENATE BILL

313

AN ACT

relative to the authority of the office of professional licensure and certification to establish fees.

SPONSORS:

Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Avard, Dist 12; Sen. Carson, Dist 14; Rep. P. Schmidt, Straf. 19; Rep. Lang, Belk. 4; Rep. McGuire, Merr. 29

COMMITTEE:

Ways and Means

AMENDED ANALYSIS

This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of certain boards, commissions, and councils administered by 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.

SB 313 - AS AMENDED BY THE HOUSE

03/24/2022 1118s
21Apr2022... 1385h

22-2924
11/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the authority of the office of professional licensure and certification to establish fees.

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

1 1 Acupuncture; Fees. Amend RSA 328-G:9, II(d) to read as follows:

2 (d) Has paid the ~~[\$110]~~ license fee and filed the application established by the board.

3 2 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:8, I to read as follows:

4 I. The board shall charge licensed alcohol and drug counselors, licensed clinical supervisors,
5 and certified recovery support workers a ~~[\$110]~~ fee for the issuance of an initial license or certificate,
6 and ~~[\$110]~~ a fee for the renewal of a license or certificate under this chapter. ~~[The fee for a master~~
7 ~~licensed alcohol and drug counselor shall be \$240 and the renewal fee shall be \$240.]~~ All licenses
8 shall be renewed biennially on or before June 30 upon payment of the license renewal fee. In
9 addition the board shall establish by rule fees for license and certificate applications, late renewal,
10 and reinstatement of all licenses and certifications authorized by this chapter.

11 3 Body Art; License Required; Fees. Amend RSA 314-A:2, II to read as follows:

12 II. *There shall be a fee for an initial license and a renewal license.* The procedure
13 and timeframe for license renewals shall be as described in RSA 310-A:1-h.

14 4 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

15 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who
16 attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall
17 receive a license from the board as a chiropractor permitted to practice in New Hampshire. ~~[The fee~~
18 ~~for an initial license and for a license renewal shall be \$300.]~~ *Each applicant who qualifies*
19 *under this chapter shall pay a fee for an initial license and a license renewal. The initial*
20 *license and license renewals shall be valid for the terms established under RSA 310-A:1-h.*

21 5 Chiropractic; Renewal. Amend RSA 316-A:20, II to read as follows:

22 II. Each applicant for renewal shall submit satisfactory evidence that the applicant has
23 completed at least 20 hours of continuing education approved by or conducted by the International
24 Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of
25 chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to
26 the date of renewal. *In the event of failure to comply with the provisions of this section, the*
27 *applicant shall appear before the board to show cause why the license should not be*
28 *suspended.*

29 6 Electrologists; Fees. Amend RSA 314:10, I to read as follows:

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1 I. ~~[The fee for an initial biennial license and for renewal of the biennial license issued under~~
2 ~~this chapter shall be \$110.]~~ The executive director shall establish by rule a schedule of fees for
3 *initial and renewal licenses*, applications, examinations, and license replacement.

4 7 Embalmers and Funeral Directors; Fees. Amend RSA 325:12-a to read as follows:

5 325:12-a Fees. ~~[The fee for an initial 2-year license and for renewal of a license issued under~~
6 ~~this chapter shall be: \$110 for embalmers and \$300 for funeral directors.]~~ The board shall establish
7 fees for *initial and renewal licenses*, examination of applicants, for apprentices, for funeral home
8 inspections, and for transcribing and transferring records and other services.

9 8 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:6,
10 I(a) to read as follows:

11 (a) Submits the required application form and ~~[\$110]~~ licensing fee.

12 9 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:7 to
13 read as follows:

14 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last
15 day of the birth month of the licensee in the even-numbered year, upon approval of the executive
16 director of the renewal application and submission of the required ~~[\$110]~~ renewal fee.

17 10 Nursing Home Administrators; Qualifications for Admission to Examination. Amend the
18 introductory paragraph RSA 151-A:5 to read as follows:

19 The board shall admit to examination for licensure as a nursing home administrator any
20 candidate who pays a ~~[\$300]~~ licensing fee and submits evidence of good moral character and
21 suitability prescribed by the board and evidence that the candidate is at least 21 years old and has
22 completed preliminary education satisfactory to the board; provided: .

23 11 Ophthalmic Dispensing; Application and Registration Fees. Amend RSA 327-A:7 to read as
24 follows:

25 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
26 ophthalmic dispensing shall be accompanied by a non-refundable registration fee~~[-of \$110]~~. Upon
27 approval of the application by the executive director, the applicant shall be issued a certificate of
28 registration for ophthalmic dispensing, which shall be renewed biennially on or before June 30 upon
29 payment of the renewal fee. ~~[The fee for renewal of any certificate of registration shall be \$110.]~~

30 12 Optometry; Licenses; Qualification. Amend RSA 327:6 to read as follows:

31 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
32 practice optometry without a license. The board shall not issue a license to any applicant until the
33 person has passed an examination approved by the board, and has presented satisfactory evidence in
34 the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral
35 character, has completed a minimum of 2 years at a college of arts and sciences and has graduated
36 from a school or college of optometry approved by the board, maintaining a minimum of 4 years in
37 optometric training. Persons who submit an application which demonstrates that they meet the

1 eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A,
2 and pay the [\$300] licensing fee, shall be licensed by the board.

3 13 Optometry; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327:25-a, IV
4 to read as follows:

5 IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail
6 of contact lenses to individuals within the state unless such business is registered with a permit
7 issued by the board of pharmacy if the out-of-state business is a pharmacy, or by the board of
8 registration in optometry if the out-of-state business is not a pharmacy.

9 (b) The board of pharmacy or the board of registration in optometry shall issue a permit
10 to such out-of-state business if the business discloses and provides proof:

11 (1) That the business is in compliance with all applicable laws and rules in the state
12 in which the business is located;

13 (2) Of the operating locations and the names and titles of all principal corporate
14 officers;

15 (3) That the business complies with all lawful directions and requests for
16 information from the board of pharmacy and the board of registration in optometry of all states in
17 which it conducts business; ~~and~~

18 (4) That the business agrees in writing to comply with all New Hampshire laws and
19 rules relating to the sale or dispensing of contact lenses; *and*

20 ***(5) That the business has paid the established fee.***

21 ~~[(e) The board of pharmacy or the board of registration in optometry shall assess the~~
22 ~~following registration fees for out of state contact lens sale companies:~~

23 ~~(1) \$300 for the initial registration.~~

24 ~~(2) \$150 for an annual registration renewal.]~~

25 14 Podiatry; Licenses. Amend RSA 315:8, I to read as follows:

26 I. The board shall issue a license to applicants who have submitted a complete application,
27 paid a [\$300] license fee, achieved a satisfactory examination score, and satisfied all other criteria of
28 competence and professional character required by this chapter.

29 15 Psychologists; Establishment of Fees. Amend RSA 329-B:12, I to read as follows:

30 I. ~~[The fee for an initial license shall be \$300.]~~ ***There shall be a fee for an initial license.***
31 The license shall be renewed biennially on or before June 30 upon payment of a [\$300] renewal fee.

32 16 Reflexologists; Structural Integrators; and Asian Bodywork Therapists; Practitioner License
33 Issuance. Amend RSA 328-H:8, I(c) to read as follows:

34 (c) Makes payment of the [\$110] license fee;

35 17 Reflexologists, Structural Integrators, and Asian Bodyworks. Amend RSA 328-H:9, II to read
36 as follows:

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1 II. All licenses issued pursuant to this chapter shall be renewed biennially on or before June
2 30 upon approval by the executive director of the renewal application and submission of the required
3 ~~[\$110]~~ renewal fee.

4 18 Court Reporters; Term of License. Amend RSA 310-A:173 to read as follows:

5 310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be
6 every 2 years. All licenses issued by the board shall expire on the last day of the month of the
7 licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall
8 notify every licensee of the date of the expiration of the license and the amount of the fee that shall
9 be required for its renewal for 2 years~~[such amount to be not less than \$200]~~. Such notice shall be
10 mailed at least one month in advance of the date of expiration. Renewal may be effected at any time
11 during the month of expiration by the payment of the fee established by the board and submission of
12 evidence satisfactory to the board showing fulfillment of continuing education requirements. If a
13 licensee fails to renew such license within the 12 months after the date of expiration, it shall become
14 null and void and the licensee shall be required to reapply for licensure. The board, pursuant to
15 rules adopted under RSA 310-A:171, shall charge up to a 20 percent late fee for each month or
16 fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

17 19 Septic System Evaluators; Fees. Amend RSA 310-A:208, I and II to read as follows:

18 I. Application for licensure~~[the fee for which shall not exceed \$150 for the initial 2-year~~
19 ~~license]~~.

20 II. Renewal for license holders~~[the fee for which shall not exceed \$150 for the 2-year~~
21 ~~renewal]~~.

22 20 Certification of Heating Equipment Installers. Amend RSA 153:16-b, II and III to read as
23 follows:

24 II. The mechanical licensing board with the approval of the ~~[commissioner]~~ **executive**
25 **director of the office of professional licensing and certification** shall adopt rules, pursuant to
26 RSA 541-A, relative to the establishment of minimum education and training standards for
27 voluntarily certified heating equipment installers and heating equipment service personnel.

28 III. The mechanical licensing board with the approval of the ~~[commissioner]~~ **executive**
29 **director of the office of professional licensing and certification** shall adopt rules, which shall
30 not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under
31 this section. After the first year of this program, such fees shall be sufficient to produce estimated
32 revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees
33 collected shall be deposited in the ~~[general fund]~~ **office of professional licensure and**
34 **certification fund established in RSA 310-A:1-e.**

35 21 State Board of Fire Control; Rulemaking. Amend the introductory paragraph of RSA 153:28,
36 I to read as follows:

1 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
2 appointed board members, in consultation with the [~~state fire marshal~~] *office of professional*
3 *licensure and certification* and with the approval of the [~~commissioner of safety~~] *executive*
4 *director of the office of professional licensure and certification*, shall adopt rules, pursuant to
5 under RSA 541-A, necessary for the proper implementation of the licensure requirements
6 established in this subdivision, which shall include the following:

7 22 State Board of Fire Control; Rulemaking. Amend RSA 153:28, II-V to read as follows:

8 II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
9 appointed board members, in consultation with the [~~state fire marshal~~] *office of professional*
10 *licensure and certification* and with the approval of the [~~commissioner of safety~~] *executive*
11 *director of the office of professional licensure and certification*, shall establish application
12 fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this
13 subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not
14 exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified
15 copies and reports, for inspections done pursuant to this subdivision, for letters of verification
16 requested by individuals or jurisdictions relating to licensure and certification, and for transcribing
17 and transferring records and other services. The fee for examination by third parties shall be
18 separate from the fees established by the board. Fees established by the board shall be sufficient to
19 produce estimated revenues equal to 125 percent of the direct operating expenses of the board
20 budgeted for the biennium in which they will apply. Fees collected shall be deposited in the [~~general~~
21 ~~fund~~] *office of professional licensure and certification fund established in RSA 310-A:1-e*.

22 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
23 appointed board members, in consultation with the [~~state fire marshal~~] *office of professional*
24 *licensure and certification* and with the approval of the [~~commissioner of safety~~] *executive*
25 *director of the office of professional licensure and certification*, shall adopt technical
26 standards for fuel gas fitting and plumbing by rule under RSA 541-A. The board shall use applicable
27 codes as adopted by the state of New Hampshire.

28 IV. The [~~state fire marshal~~] *office of professional licensure and certification* shall
29 assist and support the board in administering and enforcing the provisions of this subdivision.

30 V. The board, *through the office of professional licensure and certification*, may enter
31 into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from
32 states which have a mutual mechanical licensing reciprocity agreement with this state, for all
33 mechanical licenses listed in paragraph I(a) provided the board determines that the requirements for
34 licensure in that state are equivalent to, or greater than, those established by this subdivision.

35 23 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, I to read as
36 follows:

1 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
2 appointed board members, in consultation with the ~~[state fire marshal]~~ *office of professional*
3 *licensure and certification* and with the approval of the ~~[commissioner of safety]~~ *executive*
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5 rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas
6 fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure
7 shall be prescribed by the board. This may include an outside organization approved by the board.

8 24 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, IV to read as
9 follows:

10 IV. ~~[The licensee shall have in his or her possession a current biennial license issued by the~~
11 ~~board.]~~ The license *issued* shall be available for inspection on request. The board shall issue a
12 license suitable to be carried by the individual licensee.

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14 follows:

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16 appointed board members, in consultation with the ~~[state fire marshal]~~ *office of professional*
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18 *director of the office of professional licensure and certification*, shall adopt rules, pursuant to
19 RSA 541-A, relative to the application and renewal procedure and any eligibility requirements in
20 addition to those in this subdivision for a fuel gas fitter license or plumber for business entities
21 issued pursuant to this section.

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23 reenacted to read as follows:

24 153:33 Appeals From Board Decisions. Any person affected by a final decision of the board may
25 appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a,
26 within 30 days of the date of the final order.

27 27 New Hampshire Building Code; Appeals of Decisions. Amend the section heading in RSA
28 155-A:11-a and RSA 155-A:11-a, I to read as follows:

29 155-A:11-a Appeal of Decisions ~~[of the Electricians' Board and the Board of Home Inspectors]~~.

30 I. The board shall hear appeals of final decisions of the board established under RSA 319-
31 C:4 ~~[and]~~, the board established under RSA 310-A:186, *and the board established under RSA*
32 *153:27-a*.

33 28 State Board of Fire Control; Inspectors. Amend RSA 153:34, I and II to read as follows:

34 I. The ~~[state fire marshal]~~ *office of professional licensure and certification* with the
35 approval of the board and the ~~[commissioner of safety]~~ *executive director of the office of*
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37 are necessary to insure compliance throughout the state with practices consistent with the public

1 safety and welfare. Any person so employed shall be under the administration and supervisory
2 direction of the [~~state fire marshal~~] *office of professional licensure and certification*.

3 II. An inspector appointed under this subdivision shall have the authority to enter any
4 premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed,
5 work regulated under this subdivision for the purpose of making such inspection as is necessary to
6 carry out his or her duties under this subdivision. If consent for such inspection is denied or not
7 reasonably obtainable, the [~~state fire marshal~~] *executive director of the office of professional*
8 *licensure and certification*, or his or her designee, may obtain an administrative inspection
9 warrant under RSA 595-B.

10 29 State Board of Fire Control; Voluntary Certification of Water Treatment Technicians.
11 Amend RSA 153:38, IV and V to read as follows:

12 IV. The board may issue certification without examination to those water treatment
13 technicians who provide adequate documentation of having operated in the capacity of a water
14 treatment technician for a period of at least one year prior to January 1, [2004] **2024** and who pay
15 the required fees.

16 V. The board, with the approval of the [~~commissioner~~] *executive director of the office of*
17 *professional licensure and certification*, shall adopt rules pursuant to RSA 541-A to implement
18 the certification requirements established in this section, including the application procedure and
19 any eligibility requirements in addition to those in this section for certification as a certified water
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21 certification, and to establish the fees for certification of water treatment technicians and water
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23 30 Repeal. RSA 310-A:1-h, I, relative to certain professions administered by the office of
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SB 313 - AS AMENDED BY THE HOUSE

03/24/2022 1118s
21Apr2022... 1385h
4May2022... 1791h

2022 SESSION

22-2924
11/04

SENATE BILL **313**

AN ACT relative to the authority of the office of professional licensure and certification to establish fees.

SPONSORS: Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Avard, Dist 12; Sen. Carson, Dist 14; Rep. P. Schmidt, Straf. 19; Rep. Lang, Belk. 4; Rep. McGuire, Merr. 29

COMMITTEE: Ways and Means

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This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of certain boards, commissions, and councils administered by 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.

SB 313 - AS AMENDED BY THE HOUSE

03/24/2022 1118s
21Apr2022... 1385h
4May2022... 1791h

22-2924
11/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the authority of the office of professional licensure and certification to establish fees.

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

1 1 Acupuncture; Fees. Amend RSA 328-G:9, II(d) to read as follows:

2 (d) Has paid the [~~\$110~~] license fee and filed the application established by the board.

3 2 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:8, I to read as follows:

4 I. The board shall charge licensed alcohol and drug counselors, licensed clinical supervisors,
5 and certified recovery support workers a [~~\$110~~] fee for the issuance of an initial license or certificate,
6 and [~~\$110~~] a fee for the renewal of a license or certificate under this chapter. [~~The fee for a master~~
7 ~~licensed alcohol and drug counselor shall be \$240 and the renewal fee shall be \$240.~~] All licenses
8 shall be renewed biennially on or before June 30 upon payment of the license renewal fee. In
9 addition the board shall establish by rule fees for license and certificate applications, late renewal,
10 and reinstatement of all licenses and certifications authorized by this chapter.

11 3 Body Art; License Required; Fees. Amend RSA 314-A:2, II to read as follows:

12 II. *There shall be a fee for an initial license and a renewal license.* The procedure
13 and timeframe for license renewals shall be as described in RSA 310-A:1-h.

14 4 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

15 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who
16 attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall
17 receive a license from the board as a chiropractor permitted to practice in New Hampshire. [~~The fee~~
18 ~~for an initial license and for a license renewal shall be \$300.~~] *Each applicant who qualifies*
19 *under this chapter shall pay a fee for an initial license and a license renewal. The initial*
20 *license and license renewals shall be valid for the terms established under RSA 310-A:1-h.*

21 5 Chiropractic; Renewal. Amend RSA 316-A:20, II to read as follows:

22 II. Each applicant for renewal shall submit satisfactory evidence that the applicant has
23 completed at least 20 hours of continuing education approved by or conducted by the International
24 Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of
25 chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to
26 the date of renewal. *In the event of failure to comply with the provisions of this section, the*
27 *applicant shall appear before the board to show cause why the license should not be*
28 *suspended.*

29 6 Electrologists; Fees. Amend RSA 314:10, I to read as follows:

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1 I. ~~[The fee for an initial biennial license and for renewal of the biennial license issued under~~
2 ~~this chapter shall be \$110.]~~ The executive director shall establish by rule a schedule of fees for
3 **initial and renewal licenses**, applications, examinations, and license replacement.

4 7 Embalmers and Funeral Directors; Fees. Amend RSA 325:12-a to read as follows:

5 325:12-a Fees. ~~[The fee for an initial 2-year license and for renewal of a license issued under~~
6 ~~this chapter shall be \$110 for embalmers and \$300 for funeral directors.]~~ The board shall establish
7 fees for **initial and renewal licenses**, examination of applicants, for apprentices, for funeral home
8 inspections, and for transcribing and transferring records and other services.

9 8 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:6,
10 I(a) to read as follows:

11 (a) Submits the required application form and ~~[\$110]~~ licensing fee.

12 9 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:7 to
13 read as follows:

14 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last
15 day of the birth month of the licensee in the even-numbered year, upon approval of the executive
16 director of the renewal application and submission of the required ~~[\$110]~~ renewal fee.

17 10 Nursing Home Administrators; Qualifications for Admission to Examination. Amend the
18 introductory paragraph RSA 151-A:5 to read as follows:

19 The board shall admit to examination for licensure as a nursing home administrator any
20 candidate who pays a ~~[\$300]~~ licensing fee and submits evidence of good moral character and
21 suitability prescribed by the board and evidence that the candidate is at least 21 years old and has
22 completed preliminary education satisfactory to the board; provided:

23 11 Ophthalmic Dispensing; Application and Registration Fees. Amend RSA 327-A:7 to read as
24 follows:

25 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
26 ophthalmic dispensing shall be accompanied by a non-refundable registration fee~~[of \$110]~~. Upon
27 approval of the application by the executive director, the applicant shall be issued a certificate of
28 registration for ophthalmic dispensing, which shall be renewed biennially on or before June 30 upon
29 payment of the renewal fee. ~~[The fee for renewal of any certificate of registration shall be \$110.]~~

30 12 Optometry; Licenses; Qualification. Amend RSA 327:6 to read as follows:

31 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
32 practice optometry without a license. The board shall not issue a license to any applicant until the
33 person has passed an examination approved by the board, and has presented satisfactory evidence in
34 the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral
35 character, has completed a minimum of 2 years at a college of arts and sciences and has graduated
36 from a school or college of optometry approved by the board, maintaining a minimum of 4 years in
37 optometric training. Persons who submit an application which demonstrates that they meet the

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- Page 3 -

1 eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A,
2 and pay the ~~[\$300]~~ licensing fee, shall be licensed by the board.

3 13 Optometry; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327:25-a, IV
4 to read as follows:

5 IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail
6 of contact lenses to individuals within the state unless such business is registered with a permit
7 issued by the board of pharmacy if the out-of-state business is a pharmacy, or by the board of
8 registration in optometry if the out-of-state business is not a pharmacy.

9 (b) The board of pharmacy or the board of registration in optometry shall issue a permit
10 to such out-of-state business if the business discloses and provides proof:

11 (1) That the business is in compliance with all applicable laws and rules in the state
12 in which the business is located;

13 (2) Of the operating locations and the names and titles of all principal corporate
14 officers;

15 (3) That the business complies with all lawful directions and requests for
16 information from the board of pharmacy and the board of registration in optometry of all states in
17 which it conducts business; ~~[and]~~

18 (4) That the business agrees in writing to comply with all New Hampshire laws and
19 rules relating to the sale or dispensing of contact lenses; *and*

20 (5) *That the business has paid the established fee.*

21 ~~[(c) The board of pharmacy or the board of registration in optometry shall assess the~~
22 ~~following registration fees for out-of-state contact lens sale companies:~~

23 ~~(1) \$300 for the initial registration.~~

24 ~~(2) \$150 for an annual registration renewal.]~~

25 14 Podiatry; Licenses. Amend RSA 315:8, I to read as follows:

26 I. The board shall issue a license to applicants who have submitted a complete application,
27 paid a ~~[\$300]~~ license fee, achieved a satisfactory examination score, and satisfied all other criteria of
28 competence and professional character required by this chapter.

29 15 Psychologists; Establishment of Fees. Amend RSA 329-B:12, I to read as follows:

30 I. ~~[The fee for an initial license shall be \$300.]~~ *There shall be a fee for an initial license.*
31 The license shall be renewed biennially on or before June 30 upon payment of a ~~[\$300]~~ renewal fee.

32 16 Reflexologists; Structural Integrators; and Asian Bodywork Therapists; Practitioner License
33 Issuance. Amend RSA 328-H:8, I(c) to read as follows:

34 (c) Makes payment of the ~~[\$110]~~ license fee;

35 17 Reflexologists, Structural Integrators, and Asian Bodyworks. Amend RSA 328-H:9, II to read
36 as follows:

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1 II. All licenses issued pursuant to this chapter shall be renewed biennially on or before June
2 30 upon approval by the executive director of the renewal application and submission of the required
3 ~~[\$110]~~ renewal fee.

4 18 Court Reporters; Term of License. Amend RSA 310-A:173 to read as follows:

5 310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be
6 every 2 years. All licenses issued by the board shall expire on the last day of the month of the
7 licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall
8 notify every licensee of the date of the expiration of the license and the amount of the fee that shall
9 be required for its renewal for 2 years~~[- such amount to be not less than \$200]~~. Such notice shall be
10 mailed at least one month in advance of the date of expiration. Renewal may be effected at any time
11 during the month of expiration by the payment of the fee established by the board and submission of
12 evidence satisfactory to the board showing fulfillment of continuing education requirements. If a
13 licensee fails to renew such license within the 12 months after the date of expiration, it shall become
14 null and void and the licensee shall be required to reapply for licensure. The board, pursuant to
15 rules adopted under RSA 310-A:171, shall charge up to a 20 percent late fee for each month or
16 fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

17 19 Septic System Evaluators; Fees. Amend RSA 310-A:208, I and II to read as follows:

18 I. Application for licensure~~[- the fee for which shall not exceed \$150 for the initial 2-year~~
19 ~~license]~~.

20 II. Renewal for license holders~~[- the fee for which shall not exceed \$150 for the 2-year~~
21 ~~renewal]~~.

22 20 Certification of Heating Equipment Installers. Amend RSA 153:16-b, II and III to read as
23 follows:

24 II. The mechanical licensing board with the approval of the ~~[commissioner]~~ **executive**
25 **director of the office of professional licensing and certification** shall adopt rules, pursuant to
26 RSA 541-A, relative to the establishment of minimum education and training standards for
27 voluntarily certified heating equipment installers and heating equipment service personnel.

28 III. The mechanical licensing board with the approval of the ~~[commissioner]~~ **executive**
29 **director of the office of professional licensing and certification** shall adopt rules, which shall
30 not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under
31 this section. After the first year of this program, such fees shall be sufficient to produce estimated
32 revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees
33 collected shall be deposited in the ~~[general fund]~~ **office of professional licensure and**
34 **certification fund established in RSA 310-A:1-e.**

35 21 State Board of Fire Control; Rulemaking. Amend the introductory paragraph of RSA 153:28,
36 I to read as follows:

1 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
2 appointed board members, in consultation with the [~~state fire marshal~~] **office of professional**
3 **licensure and certification** and with the approval of the [~~commissioner of safety~~] **executive**
4 **director of the office of professional licensure and certification**, shall adopt rules, pursuant to
5 under RSA 541-A, necessary for the proper implementation of the licensure requirements
6 established in this subdivision, which shall include the following:

7 22 State Board of Fire Control; Rulemaking. Amend RSA 153:28, II-V to read as follows:

8 II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
9 appointed board members, in consultation with the [~~state fire marshal~~] **office of professional**
10 **licensure and certification** and with the approval of the [~~commissioner of safety~~] **executive**
11 **director of the office of professional licensure and certification**, shall establish application
12 fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this
13 subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not
14 exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified
15 copies and reports, for inspections done pursuant to this subdivision, for letters of verification
16 requested by individuals or jurisdictions relating to licensure and certification, and for transcribing
17 and transferring records and other services. The fee for examination by third parties shall be
18 separate from the fees established by the board. Fees established by the board shall be sufficient to
19 produce estimated revenues equal to 125 percent of the direct operating expenses of the board
20 budgeted for the biennium in which they will apply. Fees collected shall be deposited in the [~~general~~
21 ~~fund~~] **office of professional licensure and certification fund established in RSA 310-A:1-e**.

22 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
23 appointed board members, in consultation with the [~~state fire marshal~~] **office of professional**
24 **licensure and certification** and with the approval of the [~~commissioner of safety~~] **executive**
25 **director of the office of professional licensure and certification**, shall adopt technical
26 standards for fuel gas fitting and plumbing by rule under RSA 541-A. The board shall use applicable
27 codes as adopted by the state of New Hampshire.

28 IV. The [~~state fire marshal~~] **office of professional licensure and certification** shall
29 assist and support the board in administering and enforcing the provisions of this subdivision.

30 V. The board, **through the office of professional licensure and certification**, may enter
31 into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from
32 states which have a mutual mechanical licensing reciprocity agreement with this state, for all
33 mechanical licenses listed in paragraph I(a) provided the board determines that the requirements for
34 licensure in that state are equivalent to, or greater than, those established by this subdivision.

35 23 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, I to read as
36 follows:

1 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
2 appointed board members, in consultation with the ~~[state fire marshal]~~ *office of professional*
3 *licensure and certification* and with the approval of the ~~[commissioner of safety]~~ *executive*
4 *director of the office of professional licensure and certification*, shall establish, through
5 rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas
6 fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure
7 shall be prescribed by the board. This may include an outside organization approved by the board.

8 24 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, IV to read as
9 follows:

10 IV. ~~[The licensee shall have in his or her possession a current biennial license issued by the~~
11 ~~board.]~~ The license *issued* shall be available for inspection on request. The board shall issue a
12 license suitable to be carried by the individual licensee.

13 25 State Board of Fire Control; Mechanical Licenses. Amend RSA 153:29-a, III to read as
14 follows:

15 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
16 appointed board members, in consultation with the ~~[state fire marshal]~~ *office of professional*
17 *licensure and certification* and with the approval of the ~~[commissioner of safety]~~ *executive*
18 *director of the office of professional licensure and certification*, shall adopt rules, pursuant to
19 RSA 541-A, relative to the application and renewal procedure and any eligibility requirements in
20 addition to those in this subdivision for a fuel gas fitter license or plumber for business entities
21 issued pursuant to this section.

22 26 State Board of Fire Control; Appeals From Board Decisions. RSA 153:33 is repealed and
23 reenacted to read as follows:

24 153:33 Appeals From Board Decisions. Any person affected by a final decision of the board may
25 appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a,
26 within 30 days of the date of the final order.

27 27 New Hampshire Building Code; Appeals of Decisions. Amend the section heading in RSA
28 155-A:11-a and RSA 155-A:11-a, I to read as follows:

29 155-A:11-a Appeal of Decisions ~~[of the Electricians' Board and the Board of Home Inspectors].~~

30 I. The board shall hear appeals of final decisions of the board established under RSA 319-
31 C:4 ~~and~~, the board established under RSA 310-A:186, *and the board established under RSA*
32 *153:27-a.*

33 28 State Board of Fire Control; Inspectors. Amend RSA 153:34, I and II to read as follows:

34 I. The ~~[state fire marshal]~~ *office of professional licensure and certification* with the
35 approval of the board and the ~~[commissioner of safety]~~ *executive director of the office of*
36 *professional licensure and certification* shall have the authority to appoint such inspectors as
37 are necessary to insure compliance throughout the state with practices consistent with the public

1 safety and welfare. Any person so employed shall be under the administration and supervisory
2 direction of the [~~state fire marshal~~] **office of professional licensure and certification**.

3 II. An inspector appointed under this subdivision shall have the authority to enter any
4 premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed,
5 work regulated under this subdivision for the purpose of making such inspection as is necessary to
6 carry out his or her duties under this subdivision. If consent for such inspection is denied or not
7 reasonably obtainable, the [~~state fire marshal~~] **executive director of the office of professional**
8 **licensure and certification**, or his or her designee, may obtain an administrative inspection
9 warrant under RSA 595-B.

10 29 State Board of Fire Control; Voluntary Certification of Water Treatment Technicians.
11 Amend RSA 153:38, IV and V to read as follows:

12 IV. The board may issue certification without examination to those water treatment
13 technicians who provide adequate documentation of having operated in the capacity of a water
14 treatment technician for a period of at least one year prior to January 1, [2004] **2024** and who pay
15 the required fees.

16 V. The board, with the approval of the [~~commissioner~~] **executive director of the office of**
17 **professional licensure and certification**, shall adopt rules pursuant to RSA 541-A to implement
18 the certification requirements established in this section, including the application procedure and
19 any eligibility requirements in addition to those in this section for certification as a certified water
20 treatment technician or water treatment trainee, the renewal of certification and reinstatement of
21 certification, and to establish the fees for certification of water treatment technicians and water
22 treatment trainees.

23 30 Repeal. RSA 310-A:1-h, I, relative to certain professions administered by the office of
24 professional licensure and certification, is repealed.

25 31 Septic System Evaluators; Rulemaking Authority. Amend RSA 310-A:207, I(c) to read as
26 follows:

27 (c) The criteria for a license to be renewed or reinstated, including [~~late fees and~~] any
28 requirements for continuing education.

29 32 References Amended; OPLC. Amend the following RSA sections by striking the words
30 "established by the board" and replacing them with "established by the office of professional
31 licensure and certification": RSA 310-A:18; RSA 310-A:44; RSA 310-A:130; RSA 310-A:152; and RSA
32 310-A:193.

33 33 Effective Date. This act shall take effect upon its passage.

CHAPTER 314
SB 313 - FINAL VERSION

03/24/2022 1118s
21Apr2022... 1385h
4May2022... 1791h
05/26/2022 2066CofC

2022 SESSION

22-2924
11/04

SENATE BILL

313

AN ACT

relative to the authority of the office of professional licensure and certification to establish fees.

SPONSORS:

Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Avard, Dist 12; Sen. Carson, Dist 14; Rep. P. Schmidt, Straf. 19; Rep. Lang, Belk. 4; Rep. McGuire, Merr. 29

COMMITTEE:

Ways and Means

AMENDED ANALYSIS

This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of certain boards, commissions, and councils administered by 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.

CHAPTER 314
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03/24/2022 1118s
21Apr2022... 1385h
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the authority of the office of professional licensure and certification to establish fees.

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

1 314:1 Acupuncture; Fees. Amend RSA 328-G:9, II(d) to read as follows:

2 (d) Has paid the [~~\$110~~] license fee and filed the application established by the board.

3 314:2 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:8, I to read as
4 follows:

5 I. The board shall charge licensed alcohol and drug counselors, licensed clinical supervisors,
6 and certified recovery support workers a [~~\$110~~] fee for the issuance of an initial license or certificate,
7 and [~~\$110~~] a fee for the renewal of a license or certificate under this chapter. [~~The fee for a master~~
8 ~~licensed alcohol and drug counselor shall be \$240 and the renewal fee shall be \$240.~~] All licenses
9 shall be renewed biennially on or before June 30 upon payment of the license renewal fee. In
10 addition the board shall establish by rule fees for license and certificate applications, late renewal,
11 and reinstatement of all licenses and certifications authorized by this chapter.

12 314:3 Body Art; License Required; Fees. Amend RSA 314-A:2, II to read as follows:

13 II. ***There shall be a fee for an initial license and a renewal license.*** The procedure
14 and timeframe for license renewals shall be as described in RSA 310-A:1-h.

15 314:4 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

16 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who
17 attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall
18 receive a license from the board as a chiropractor permitted to practice in New Hampshire. [~~The fee~~
19 ~~for an initial license and for a license renewal shall be \$300.~~] ***Each applicant who qualifies***
20 ***under this chapter shall pay a fee for an initial license and a license renewal. The initial***
21 ***license and license renewals shall be valid for the terms established under RSA 310-A:1-h.***

22 314:5 Chiropractic; Renewal. Amend RSA 316-A:20, II to read as follows:

23 II. Each applicant for renewal shall submit satisfactory evidence that the applicant has
24 completed at least 20 hours of continuing education approved by or conducted by the International
25 Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of
26 chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to
27 the date of renewal. ***In the event of failure to comply with the provisions of this section, the***

CHAPTER 314
SB 313 - FINAL VERSION

- Page 2 -

1 *applicant shall appear before the board to show cause why the license should not be*
2 *suspended.*

3 314:6 Electrologists; Fees. Amend RSA 314:10, I to read as follows:

4 I. [~~The fee for an initial biennial license and for renewal of the biennial license issued under~~
5 ~~this chapter shall be \$110.~~] The executive director shall establish by rule a schedule of fees for
6 *initial and renewal licenses*, applications, examinations, and license replacement.

7 314:7 Embalmers and Funeral Directors; Fees. Amend RSA 325:12-a to read as follows:

8 325:12-a Fees. [~~The fee for an initial 2-year license and for renewal of a license issued under~~
9 ~~this chapter shall be: \$110 for embalmers and \$300 for funeral directors.~~] The board shall establish
10 fees for *initial and renewal licenses*, examination of applicants, for apprentices, for funeral home
11 inspections, and for transcribing and transferring records and other services.

12 314:8 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-
13 B:6, I(a) to read as follows:

14 (a) Submits the required application form and [~~\$110~~] licensing fee.

15 314:9 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:7
16 to read as follows:

17 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last
18 day of the birth month of the licensee in the even-numbered year, upon approval of the executive
19 director of the renewal application and submission of the required [~~\$110~~] renewal fee.

20 314:10 Nursing Home Administrators; Qualifications for Admission to Examination. Amend the
21 introductory paragraph RSA 151-A:5 to read as follows:

22 The board shall admit to examination for licensure as a nursing home administrator any
23 candidate who pays a [~~\$300~~] licensing fee and submits evidence of good moral character and
24 suitability prescribed by the board and evidence that the candidate is at least 21 years old and has
25 completed preliminary education satisfactory to the board; provided:

26 314:11 Ophthalmic Dispensing; Application and Registration Fees. Amend RSA 327-A:7 to read
27 as follows:

28 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
29 ophthalmic dispensing shall be accompanied by a non-refundable registration fee[~~of \$110~~]. Upon
30 approval of the application by the executive director, the applicant shall be issued a certificate of
31 registration for ophthalmic dispensing, which shall be renewed biennially on or before June 30 upon
32 payment of the renewal fee. [~~The fee for renewal of any certificate of registration shall be \$110.~~]

33 314:12 Optometry; Licenses; Qualification. Amend RSA 327:6 to read as follows:

34 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
35 practice optometry without a license. The board shall not issue a license to any applicant until the
36 person has passed an examination approved by the board, and has presented satisfactory evidence in
37 the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral

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SB 313 - FINAL VERSION
- Page 3 -

1 character, has completed a minimum of 2 years at a college of arts and sciences and has graduated
2 from a school or college of optometry approved by the board, maintaining a minimum of 4 years in
3 optometric training. Persons who submit an application which demonstrates that they meet the
4 eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A,
5 and pay the [~~\$300~~] licensing fee, shall be licensed by the board.

6 314:13 Optometry; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327:25-a,
7 IV to read as follows:

8 IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail
9 of contact lenses to individuals within the state unless such business is registered with a permit
10 issued by the board of pharmacy if the out-of-state business is a pharmacy, or by the board of
11 registration in optometry if the out-of-state business is not a pharmacy.

12 (b) The board of pharmacy or the board of registration in optometry shall issue a permit
13 to such out-of-state business if the business discloses and provides proof:

14 (1) That the business is in compliance with all applicable laws and rules in the state
15 in which the business is located;

16 (2) Of the operating locations and the names and titles of all principal corporate
17 officers;

18 (3) That the business complies with all lawful directions and requests for
19 information from the board of pharmacy and the board of registration in optometry of all states in
20 which it conducts business; [~~and~~]

21 (4) That the business agrees in writing to comply with all New Hampshire laws and
22 rules relating to the sale or dispensing of contact lenses; *and*

23 (5) *That the business has paid the established fee.*

24 ~~(c) The board of pharmacy or the board of registration in optometry shall assess the~~
25 ~~following registration fees for out-of-state contact lens sale companies:~~

26 ~~(1) \$300 for the initial registration.~~

27 ~~(2) \$150 for an annual registration renewal.]~~

28 314:14 Podiatry; Licenses. Amend RSA 315:8, I to read as follows:

29 I. The board shall issue a license to applicants who have submitted a complete application,
30 paid a [~~\$300~~] license fee, achieved a satisfactory examination score, and satisfied all other criteria of
31 competence and professional character required by this chapter.

32 314:15 Psychologists; Establishment of Fees. Amend RSA 329-B:12, I to read as follows:

33 I. [~~The fee for an initial license shall be \$300.~~] *There shall be a fee for an initial license.*

34 The license shall be renewed biennially on or before June 30 upon payment of a [~~\$300~~] renewal fee.

35 314:16 Reflexologists; Structural Integrators; and Asian Bodywork Therapists; Practitioner
36 License Issuance. Amend RSA 328-H:8, I(c) to read as follows:

37 (c) Makes payment of the [~~\$110~~] license fee;

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1 314:17 Reflexologists, Structural Integrators, and Asian Bodyworks. Amend RSA 328-H:9, II to
2 read as follows:

3 II. All licenses issued pursuant to this chapter shall be renewed biennially on or before June
4 30 upon approval by the executive director of the renewal application and submission of the required
5 ~~[\$110]~~ renewal fee.

6 314:18 Court Reporters; Term of License. Amend RSA 310-A:173 to read as follows:

7 310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be
8 every 2 years. All licenses issued by the board shall expire on the last day of the month of the
9 licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall
10 notify every licensee of the date of the expiration of the license and the amount of the fee that shall
11 be required for its renewal for 2 years~~[such amount to be not less than \$200]~~. Such notice shall be
12 mailed at least one month in advance of the date of expiration. Renewal may be effected at any time
13 during the month of expiration by the payment of the fee established by the board and submission of
14 evidence satisfactory to the board showing fulfillment of continuing education requirements. If a
15 licensee fails to renew such license within the 12 months after the date of expiration, it shall become
16 null and void and the licensee shall be required to reapply for licensure. The board, pursuant to
17 rules adopted under RSA 310-A:171, shall charge up to a 20 percent late fee for each month or
18 fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

19 314:19 Septic System Evaluators; Fees. Amend RSA 310-A:208, I and II to read as follows:

20 I. Application for licensure~~[the fee for which shall not exceed \$150 for the initial 2-year~~
21 ~~license]~~.

22 II. Renewal for license holders~~[the fee for which shall not exceed \$150 for the 2-year~~
23 ~~renewal]~~.

24 314:20 Certification of Heating Equipment Installers. Amend RSA 153:16-b, II and III to read
25 as follows:

26 II. The mechanical licensing board with the approval of the ~~[commissioner]~~ **executive**
27 **director of the office of professional licensing and certification** shall adopt rules, pursuant to
28 RSA 541-A, relative to the establishment of minimum education and training standards for
29 voluntarily certified heating equipment installers and heating equipment service personnel.

30 III. The mechanical licensing board with the approval of the ~~[commissioner]~~ **executive**
31 **director of the office of professional licensing and certification** shall adopt rules, which shall
32 not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under
33 this section. After the first year of this program, such fees shall be sufficient to produce estimated
34 revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees
35 collected shall be deposited in the ~~[general fund]~~ **office of professional licensure and**
36 **certification fund established in RSA 310-A:1-e.**

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1 314:21 State Board of Fire Control; Rulemaking. Amend the introductory paragraph of RSA
2 153:28, I to read as follows:

3 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
4 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
5 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
6 **director of the office of professional licensure and certification**, shall adopt rules, pursuant to
7 under RSA 541-A, necessary for the proper implementation of the licensure requirements
8 established in this subdivision, which shall include the following:

9 314:22 State Board of Fire Control; Rulemaking. Amend RSA 153:28, II-V to read as follows:

10 II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
11 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
12 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
13 **director of the office of professional licensure and certification**, shall establish application
14 fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this
15 subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not
16 exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified
17 copies and reports, for inspections done pursuant to this subdivision, for letters of verification
18 requested by individuals or jurisdictions relating to licensure and certification, and for transcribing
19 and transferring records and other services. The fee for examination by third parties shall be
20 separate from the fees established by the board. Fees established by the board shall be sufficient to
21 produce estimated revenues equal to 125 percent of the direct operating expenses of the board
22 budgeted for the biennium in which they will apply. Fees collected shall be deposited in the ~~[general~~
23 ~~fund]~~ **office of professional licensure and certification fund established in RSA 310-A:1-e.**

24 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
25 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
26 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
27 **director of the office of professional licensure and certification**, shall adopt technical
28 standards for fuel gas fitting and plumbing by rule under RSA 541-A. The board shall use applicable
29 codes as adopted by the state of New Hampshire.

30 IV. The ~~[state fire marshal]~~ **office of professional licensure and certification** shall
31 assist and support the board in administering and enforcing the provisions of this subdivision.

32 V. The board, **through the office of professional licensure and certification**, may enter
33 into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from
34 states which have a mutual mechanical licensing reciprocity agreement with this state, for all
35 mechanical licenses listed in paragraph I(a) provided the board determines that the requirements for
36 licensure in that state are equivalent to, or greater than, those established by this subdivision.

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1 314:23 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, I to read as
2 follows:

3 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
4 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
5 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
6 **director of the office of professional licensure and certification**, shall establish, through
7 rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas
8 fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure
9 shall be prescribed by the board. This may include an outside organization approved by the board.

10 314:24 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, IV to read as
11 follows:

12 IV. ~~[The licensee shall have in his or her possession a current biennial license issued by the~~
13 ~~board.]~~ The license **issued** shall be available for inspection on request. The board shall issue a
14 license suitable to be carried by the individual licensee.

15 314:25 State Board of Fire Control; Mechanical Licenses. Amend RSA 153:29-a, III to read as
16 follows:

17 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
18 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
19 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
20 **director of the office of professional licensure and certification**, shall adopt rules, pursuant to
21 RSA 541-A, relative to the application and renewal procedure and any eligibility requirements in
22 addition to those in this subdivision for a fuel gas fitter license or plumber for business entities
23 issued pursuant to this section.

24 314:26 State Board of Fire Control; Appeals From Board Decisions. RSA 153:33 is repealed and
25 reenacted to read as follows:

26 153:33 Appeals From Board Decisions. Any person affected by a final decision of the board may
27 appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a,
28 within 30 days of the date of the final order.

29 314:27 New Hampshire Building Code; Appeals of Decisions. Amend the section heading in
30 RSA 155-A:11-a and RSA 155-A:11-a, I to read as follows:

31 155-A:11-a Appeal of Decisions ~~[of the Electricians' Board and the Board of Home Inspectors]~~.

32 I. The board shall hear appeals of final decisions of the board established under RSA 319-
33 C:4 ~~[and]~~, the board established under RSA 310-A:186, **and the board established under RSA**
34 **153:27-a**.

35 314:28 State Board of Fire Control; Inspectors. Amend RSA 153:34, I and II to read as follows:

36 I. The ~~[state fire marshal]~~ **office of professional licensure and certification** with the
37 approval of the board and the ~~[commissioner of safety]~~ **executive director of the office of**

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1 ***professional licensure and certification*** shall have the authority to appoint such inspectors as
2 are necessary to insure compliance throughout the state with practices consistent with the public
3 safety and welfare. Any person so employed shall be under the administration and supervisory
4 direction of the ~~[state fire marshal]~~ ***office of professional licensure and certification***.

5 II. An inspector appointed under this subdivision shall have the authority to enter any
6 premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed,
7 work regulated under this subdivision for the purpose of making such inspection as is necessary to
8 carry out his or her duties under this subdivision. If consent for such inspection is denied or not
9 reasonably obtainable, the ~~[state fire marshal]~~ ***executive director of the office of professional***
10 ***licensure and certification***, or his or her designee, may obtain an administrative inspection
11 warrant under RSA 595-B.

12 314:29 State Board of Fire Control; Voluntary Certification of Water Treatment Technicians.
13 Amend RSA 153:38, IV and V to read as follows:

14 IV. The board may issue certification without examination to those water treatment
15 technicians who provide adequate documentation of having operated in the capacity of a water
16 treatment technician for a period of at least one year prior to January 1, ~~[2004]~~ **2024** and who pay
17 the required fees.

18 V. The board, with the approval of the ~~[commissioner]~~ ***executive director of the office of***
19 ***professional licensure and certification***, shall adopt rules pursuant to RSA 541-A to implement
20 the certification requirements established in this section, including the application procedure and
21 any eligibility requirements in addition to those in this section for certification as a certified water
22 treatment technician or water treatment trainee, the renewal of certification and reinstatement of
23 certification, and to establish the fees for certification of water treatment technicians and water
24 treatment trainees.

25 314:30 Repeal. RSA 310-A:1-h, I, relative to certain professions administered by the office of
26 professional licensure and certification, is repealed.

27 314:31 Septic System Evaluators; Rulemaking Authority. Amend RSA 310-A:207, I(c) to read as
28 follows:

29 (c) The criteria for a license to be renewed or reinstated, including ~~[late fees and]~~ any
30 requirements for continuing education.

31 314:32 References Amended; OPLC. Amend the following RSA sections by striking the words
32 "established by the board" and replacing them with "established by the office of professional
33 licensure and certification": RSA 310-A:18; RSA 310-A:44; RSA 310-A:130; RSA 310-A:152; and RSA
34 310-A:193.

35 314:33 Board of Registration of Medical Technicians; Fees. Amend RSA 328-I:6, I to read as
36 follows:

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1 I. The board may register any person who submits a completed application *and pays the*
2 *established fee.* [~~The fee for registration under this chapter shall be \$110.~~]

3 314:34 Board of Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-
4 I:8 to read as follows:

5 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall
6 be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the
7 board. [~~The fee for renewal of certificates of registration shall be \$110.~~] Certificates of registration
8 for medical technician shall be renewed upon the payment of the renewal fee.

 314:35 Effective Date. This act shall take effect upon its passage.

Approved: July 01, 2022
Effective Date: July 01, 2022

Amendments

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1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the authority of the office of professional licensure and certification to
4 establish fees and establishing a committee to study and make recommendations
5 relative to funding of the office of professional licensure and certification.
6

7 Amend the bill by replacing all after the enacting clause with the following:

8

9 1 Findings. The general court finds that:

10 I. There are statutory conflicts concerning the fee-setting authority of the office of
11 professional licensure and certification and the boards, councils, and commissions within the office.

12 II. Some boards are not currently covering 100 percent of operating costs, while other boards
13 are generating revenue more than 125 percent of operating expenses in violation of state statute.

14 III. Certain licensees may not be able to afford cost of a license.

15 IV. The office and certain boards dispute how shared costs should be allocated among the
16 boards, councils, and commissions within the office.

17 V. Other states have used different funding approaches to occupational licensing.

18 2 Committee Established.

19 I. There is established a committee to study and make recommendations relative to funding
20 of the office of professional licensure and certification and the boards, councils, and commissions
21 within the office.

22 II. The members of the committee shall be as follows:

23 (a) Three members of the house of representatives, at least 2 of whom shall be from the
24 executive departments and administration committee, appointed by the speaker of the house of
25 representatives.

26 (b) One member of the senate who serves on the executive departments and
27 administration committee, appointed by the president of the senate.

28 III. Members of the committee shall receive mileage at the legislative rate when attending
29 to the duties of the committee.

30 IV. The committee shall:

31 (a) Review the funding sources, fee-setting authority, and fees of the office and the
32 boards, councils, and commissions, within the office and make recommendations, if any, regarding
33 changes to the current statutory framework.

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1 (b) Identify and make recommendations for changes to funding occupational licensing in
2 New Hampshire, if any.

3 (c) If necessary, make recommendations for changes to the allocation of shared costs
4 among the boards, councils, and commissions within the office.

5 (d) Seek input from state agencies and the boards, councils, and commissions within the
6 office, and any other person or entity the committee deems relevant to its study.

7 V. The members of the study committee shall elect a chairperson from among the members.
8 The first meeting of the committee shall be called by the senate member. The first meeting of the
9 committee shall be held within 45 days of the effective date of this section. Three members of the
10 committee shall constitute a quorum.

11 VI. The committee shall submit a report of its findings and any recommendations for
12 proposed legislation to the speaker of the house of representatives, the president of the senate, the
13 house clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

14 3 Acupuncture; Fees. Amend RSA 328-G:9, II(d) to read as follows:

15 (d) Has paid the ~~[\$110]~~ license fee and filed the application established by the board.

16 4 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:8, I to read as follows:

17 I. The board shall charge licensed alcohol and drug counselors, licensed clinical supervisors,
18 and certified recovery support workers a ~~[\$110]~~ fee for the issuance of an initial license or certificate,
19 and ~~[\$110]~~ a fee for the renewal of a license or certificate under this chapter. ~~[The fee for a master~~
20 ~~licensed alcohol and drug counselor shall be \$240 and the renewal fee shall be \$240.]~~ All licenses
21 shall be renewed biennially on or before June 30 upon payment of the license renewal fee. In
22 addition the board shall establish by rule fees for license and certificate applications, late renewal,
23 and reinstatement of all licenses and certifications authorized by this chapter.

24 5 Body Art; License Required; Fees. Amend RSA 314-A:2, II to read as follows:

25 II. *There shall be a fee for an initial license and a renewal license.* The procedure
26 and timeframe for license renewals shall be as described in RSA 310-A:1-h.

27 6 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

28 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who
29 attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall
30 receive a license from the board as a chiropractor permitted to practice in New Hampshire. ~~[The fee~~
31 ~~for an initial license and for a license renewal shall be \$300.]~~ *Each applicant who qualifies*
32 *under this chapter shall pay a fee for an initial license and a license renewal. The initial*
33 *license and license renewals shall be valid for the terms established under RSA 310-A:1-h.*

34 7 Chiropractic; Renewal. Amend RSA 316-A:20, II to read as follows:

35 II. Each applicant for renewal shall submit satisfactory evidence that the applicant has
36 completed at least 20 hours of continuing education approved by or conducted by the International
37 Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of

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1 chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to
2 the date of renewal. ***In the event of failure to comply with the provisions of this section, the***
3 ***applicant shall appear before the board to show cause why the license should not be***
4 ***suspended.***

5 8 Electrologists; Fees. Amend RSA 314:10, I to read as follows:

6 I. ~~[The fee for an initial biennial license and for renewal of the biennial license issued under~~
7 ~~this chapter shall be \$110.]~~ The executive director shall establish by rule a schedule of fees for
8 ***initial and renewal licenses***, applications, examinations, and license replacement.

9 9 Embalmers and Funeral Directors; Fees. Amend RSA 325:12-a to read as follows:

10 325:12-a Fees. ~~[The fee for an initial 2-year license and for renewal of a license issued under this~~
11 ~~chapter shall be: \$110 for embalmers and \$300 for funeral directors.]~~ The board shall establish fees
12 for ***initial and renewal licenses***, examination of applicants, for apprentices, for funeral home
13 inspections, and for transcribing and transferring records and other services.

14 10 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:6,
15 I(a) to read as follows:

16 (a) Submits the required application form and ~~[\$110]~~ licensing fee.

17 11 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:7 to
18 read as follows:

19 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last
20 day of the birth month of the licensee in the even-numbered year, upon approval of the executive
21 director of the renewal application and submission of the required ~~[\$110]~~ renewal fee.

22 12 Board of Registration of Medical Technicians; Fees. Amend RSA 328-I:6, I to read as follows:

23 I. The board may register any person who submits a completed application ***and pays the***
24 ***established fee.*** ~~[The fee for registration under this chapter shall be \$110.]~~

25 13 Board of Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-I:8
26 to read as follows:

27 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be
28 subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the
29 board. ~~[The fee for renewal of certificates of registration shall be \$110.]~~ Certificates of registration
30 for medical technician shall be renewed upon the payment of the renewal fee.

31 14 Nursing Home Administrators; Qualifications for Admission to Examination. Amend the
32 introductory paragraph RSA 151-A:5 to read as follows:

33 The board shall admit to examination for licensure as a nursing home administrator any
34 candidate who pays a ~~[\$300]~~ licensing fee and submits evidence of good moral character and
35 suitability prescribed by the board and evidence that the candidate is at least 21 years old and has
36 completed preliminary education satisfactory to the board; provided:

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1 15 Ophthalmic Dispensing; Application and Registration Fees. Amend RSA 327-A:7 to read as
2 follows:

3 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
4 ophthalmic dispensing shall be accompanied by a non-refundable registration fee[~~of \$110~~]. Upon
5 approval of the application by the executive director, the applicant shall be issued a certificate of
6 registration for ophthalmic dispensing, which shall be renewed biennially on or before June 30 upon
7 payment of the renewal fee. [~~The fee for renewal of any certificate of registration shall be \$110.~~]

8 16 Optometry; Licenses; Qualification. Amend RSA 327:6 to read as follows:

9 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
10 practice optometry without a license. The board shall not issue a license to any applicant until the
11 person has passed an examination approved by the board, and has presented satisfactory evidence in
12 the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral
13 character, has completed a minimum of 2 years at a college of arts and sciences and has graduated
14 from a school or college of optometry approved by the board, maintaining a minimum of 4 years in
15 optometric training. Persons who submit an application which demonstrates that they meet the
16 eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A,
17 and pay the [~~\$300~~] licensing fee, shall be licensed by the board.

18 17 Optometry; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327:25-a, IV
19 to read as follows:

20 IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail
21 of contact lenses to individuals within the state unless such business is registered with a permit
22 issued by the board of pharmacy if the out-of-state business is a pharmacy, or by the board of
23 registration in optometry if the out-of-state business is not a pharmacy.

24 (b) The board of pharmacy or the board of registration in optometry shall issue a permit
25 to such out-of-state business if the business discloses and provides proof:

26 (1) That the business is in compliance with all applicable laws and rules in the state
27 in which the business is located;

28 (2) Of the operating locations and the names and titles of all principal corporate
29 officers;

30 (3) That the business complies with all lawful directions and requests for
31 information from the board of pharmacy and the board of registration in optometry of all states in
32 which it conducts business; [~~and~~]

33 (4) That the business agrees in writing to comply with all New Hampshire laws and
34 rules relating to the sale or dispensing of contact lenses; *and*

35 (5) *That the business has paid the established fee.*

36 [~~(e) The board of pharmacy or the board of registration in optometry shall assess the~~
37 ~~following registration fees for out-of-state contact lens sale companies:~~

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1 ~~(1) \$300 for the initial registration.~~

2 ~~(2) \$150 for an annual registration renewal.]~~

3 18 Podiatry; Licenses. Amend RSA 315:8, I to read as follows:

4 I. The board shall issue a license to applicants who have submitted a complete application,
5 paid a ~~[\$300]~~ license fee, achieved a satisfactory examination score, and satisfied all other criteria of
6 competence and professional character required by this chapter.

7 19 Psychologists; Establishment of Fees. Amend RSA 329-B:12, I to read as follows:

8 I. ~~[The fee for an initial license shall be \$300.]~~ ***There shall be a fee for an initial license.***

9 The license shall be renewed biennially on or before June 30 upon payment of a ~~[\$300]~~ renewal fee.

10 20 Reflexologists; Structural Integrators; and Asian Bodywork Therapists; Practitioner License
11 Issuance. Amend RSA 328-H:8, I(c) to read as follows:

12 (c) Makes payment of the ~~[\$110]~~ license fee;

13 21 Reflexologists, Structural Integrators, and Asian Bodyworks. Amend RSA 328-H:9, II to read
14 as follows:

15 II. All licenses issued pursuant to this chapter shall be renewed biennially on or before June
16 30 upon approval by the executive director of the renewal application and submission of the required
17 ~~[\$110]~~ renewal fee.

18 22 Court Reporters; Term of License. Amend RSA 310-A:173 to read as follows:

19 310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be
20 every 2 years. All licenses issued by the board shall expire on the last day of the month of the
21 licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall
22 notify every licensee of the date of the expiration of the license and the amount of the fee that shall
23 be required for its renewal for 2 years~~[such amount to be not less than \$200]~~. Such notice shall be
24 mailed at least one month in advance of the date of expiration. Renewal may be effected at any time
25 during the month of expiration by the payment of the fee established by the board and submission of
26 evidence satisfactory to the board showing fulfillment of continuing education requirements. If a
27 licensee fails to renew such license within the 12 months after the date of expiration, it shall become
28 null and void and the licensee shall be required to reapply for licensure. The board, pursuant to
29 rules adopted under RSA 310-A:171, shall charge up to a 20 percent late fee for each month or
30 fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

31 23 Septic System Evaluators; Fees. Amend RSA 310-A:208, I and II to read as follows:

32 I. Application for licensure~~[the fee for which shall not exceed \$150 for the initial 2-year~~
33 license].

34 II. Renewal for license holders~~[the fee for which shall not exceed \$150 for the 2-year~~
35 renewal].

36 24 Certification of Heating Equipment Installers. Amend RSA 153:16-b, II and III to read as
37 follows:

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1 II. The mechanical licensing board with the approval of the ~~[commissioner]~~ **executive**
2 **director of the office of professional licensing and certification** shall adopt rules, pursuant to
3 RSA 541-A, relative to the establishment of minimum education and training standards for
4 voluntarily certified heating equipment installers and heating equipment service personnel.

5 III. The mechanical licensing board with the approval of the ~~[commissioner]~~ **executive**
6 **director of the office of professional licensing and certification** shall adopt rules, which shall
7 not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under
8 this section. After the first year of this program, such fees shall be sufficient to produce estimated
9 revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees
10 collected shall be deposited in the general fund.

11 25 State Board of Fire Control; Rulemaking. Amend the introductory paragraph of RSA 153:28,
12 I to read as follows:

13 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
14 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
15 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
16 **director of the office of professional licensure and certification**, shall adopt rules, pursuant to
17 under RSA 541-A, necessary for the proper implementation of the licensure requirements
18 established in this subdivision, which shall include the following:

19 26 State Board of Fire Control; Rulemaking. Amend RSA 153:28, II-V to read as follows:

20 II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
21 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
22 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
23 **director of the office of professional licensure and certification**, shall establish application
24 fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this
25 subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not
26 exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified
27 copies and reports, for inspections done pursuant to this subdivision, for letters of verification
28 requested by individuals or jurisdictions relating to licensure and certification, and for transcribing
29 and transferring records and other services. The fee for examination by third parties shall be
30 separate from the fees established by the board. Fees established by the board shall be sufficient to
31 produce estimated revenues equal to 125 percent of the direct operating expenses of the board
32 budgeted for the biennium in which they will apply. Fees collected shall be deposited in the general
33 fund.

34 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
35 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
36 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
37 **director of the office of professional licensure and certification**, shall adopt technical

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1 standards for fuel gas fitting and plumbing by rule under RSA 541-A. The board shall use applicable
2 codes as adopted by the state of New Hampshire.

3 IV. The ~~[state fire marshal]~~ **office of professional licensure and certification** shall
4 assist and support the board in administering and enforcing the provisions of this subdivision.

5 V. The board, **through the office of professional licensure and certification**, may enter
6 into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from
7 states which have a mutual mechanical licensing reciprocity agreement with this state, for all
8 mechanical licenses listed in paragraph I(a) provided the board determines that the requirements for
9 licensure in that state are equivalent to, or greater than, those established by this subdivision.

10 27 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, I to read as
11 follows:

12 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
13 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
14 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
15 **director of the office of professional licensure and certification**, shall establish, through
16 rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas
17 fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure
18 shall be prescribed by the board. This may include an outside organization approved by the board.

19 28 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, IV to read as
20 follows:

21 IV. ~~[The licensee shall have in his or her possession a current biennial license issued by the~~
22 ~~board.]~~ The license **issued** shall be available for inspection on request. The board shall issue a
23 license suitable to be carried by the individual licensee.

24 29 State Board of Fire Control; Mechanical Licenses. Amend RSA 153:29-a, III to read as
25 follows:

26 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
27 appointed board members, in consultation with the ~~[state fire marshal]~~ **office of professional**
28 **licensure and certification** and with the approval of the ~~[commissioner of safety]~~ **executive**
29 **director of the office of professional licensure and certification**, shall adopt rules, pursuant to
30 RSA 541-A, relative to the application and renewal procedure and any eligibility requirements in
31 addition to those in this subdivision for a fuel gas fitter license or plumber for business entities
32 issued pursuant to this section.

33 30 State Board of Fire Control; Appeals From Board Decisions. RSA 153:33 is repealed and
34 reenacted to read as follows:

35 153:33 Appeals From Board Decisions. Any person affected by a final decision of the board may
36 appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a,
37 within 30 days of the date of the final order.

Amendment to SB 313

- Page 8 -

1 31 New Hampshire Building Code; Appeals of Decisions. Amend the section heading in RSA
2 155-A:11-a and RSA 155-A:11-a, I to read as follows:

3 155-A:11-a Appeal of Decisions [~~of the Electricians' Board and the Board of Home Inspectors~~].

4 I. The board shall hear appeals of final decisions of the board established under RSA 319-
5 C:4 [~~and~~], the board established under RSA 310-A:186, **and the board established under RSA**
6 **153:27-a**.

7 32 State Board of Fire Control; Inspectors. Amend RSA 153:34, I and II to read as follows:

8 I. The [~~state fire marshal~~] **office of professional licensure and certification** with the
9 approval of the board and the [~~commissioner of safety~~] **executive director of the office of**
10 **professional licensure and certification** shall have the authority to appoint such inspectors as
11 are necessary to insure compliance throughout the state with practices consistent with the public
12 safety and welfare. Any person so employed shall be under the administration and supervisory
13 direction of the [~~state fire marshal~~] **office of professional licensure and certification**.

14 II. An inspector appointed under this subdivision shall have the authority to enter any
15 premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed,
16 work regulated under this subdivision for the purpose of making such inspection as is necessary to
17 carry out his or her duties under this subdivision. If consent for such inspection is denied or not
18 reasonably obtainable, the [~~state fire marshal~~] **executive director of the office of professional**
19 **licensure and certification**, or his or her designee, may obtain an administrative inspection
20 warrant under RSA 595-B.

21 33 State Board of Fire Control; Voluntary Certification of Water Treatment Technicians.
22 Amend RSA 153:38, IV and V to read as follows:

23 IV. The board may issue certification without examination to those water treatment
24 technicians who provide adequate documentation of having operated in the capacity of a water
25 treatment technician for a period of at least one year prior to January 1, [2004] **2024** and who pay
26 the required fees.

27 V. The board, with the approval of the [~~commissioner~~] **executive director of the office of**
28 **professional licensure and certification**, shall adopt rules pursuant to RSA 541-A to implement
29 the certification requirements established in this section, including the application procedure and
30 any eligibility requirements in addition to those in this section for certification as a certified water
31 treatment technician or water treatment trainee, the renewal of certification and reinstatement of
32 certification, and to establish the fees for certification of water treatment technicians and water
33 treatment trainees.

34 34 Repeal. RSA 310-A:1-h, I, relative to certain professions administered by the office of
35 professional licensure and certification, is repealed.

36 35 Effective Date. This act shall take effect ~~60 days after its~~ **upon** passage.

2022-1114s

AMENDED ANALYSIS

This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of the boards, commissions, and councils administered by the office of professional licensure and certification. The bill also establishes a committee to study and make recommendations relative to the funding of the office of professional licensure and certification.

Amendment to SB 313

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the authority of the office of professional licensure and certification to
4 establish fees and establishing a committee to study and make recommendations
5 relative to funding of the office of professional licensure and certification.
6

7 Amend the bill by replacing all after the enacting clause with the following:

8

9 1 Findings. The general court finds that:

10 I. There are statutory conflicts concerning the fee-setting authority of the office of
11 professional licensure and certification and the boards, councils, and commissions within the office.

12 II. Some boards are not currently covering 100 percent of operating costs, while other boards
13 are generating revenue more than 125 percent of operating expenses in violation of state statute.

14 III. Certain licensees may not be able to afford cost of a license.

15 IV. The office and certain boards dispute how shared costs should be allocated among the
16 boards, councils, and commissions within the office.

17 V. Other states have used different funding approaches to occupational licensing.

18 2 Committee Established.

19 I. There is established a committee to study and make recommendations relative to funding
20 of the office of professional licensure and certification and the boards, councils, and commissions
21 within the office.

22 II. The members of the committee shall be as follows:

23 (a) Three members of the house of representatives, at least 2 of whom shall be from the
24 executive departments and administration committee, appointed by the speaker of the house of
25 representatives.

26 (b) One member of the senate who serves on the executive departments and
27 administration committee, appointed by the president of the senate.

28 III. Members of the committee shall receive mileage at the legislative rate when attending
29 to the duties of the committee.

30 IV. The committee shall:

31 (a) Review the funding sources, fee-setting authority, and fees of the office and the
32 boards, councils, and commissions, within the office and make recommendations, if any, regarding
33 changes to the current statutory framework.

Amendment to SB 313

- Page 2 -

1 (b) Identify and make recommendations for changes to funding occupational licensing in
2 New Hampshire, if any.

3 (c) If necessary, make recommendations for changes to the allocation of shared costs
4 among the boards, councils, and commissions within the office.

5 (d) Seek input from state agencies and the boards, councils, and commissions within the
6 office, and any other person or entity the committee deems relevant to its study.

7 V. The members of the study committee shall elect a chairperson from among the members.
8 The first meeting of the committee shall be called by the senate member. The first meeting of the
9 committee shall be held within 45 days of the effective date of this section. Three members of the
10 committee shall constitute a quorum.

11 VI. The committee shall submit a report of its findings and any recommendations for
12 proposed legislation to the speaker of the house of representatives, the president of the senate, the
13 house-clerk, the senate clerk, the governor, and the state library on or before November 1, 2022.

14 3 Acupuncture; Fees. Amend RSA 328-G:9, II(d) to read as follows:

15 (d) Has paid the [\$110] license fee and filed the application established by the board.

16 4 Alcohol and Other Drug Use Professionals; Fees. Amend RSA 330-C:8, I to read as follows:

17 I. The board shall charge licensed alcohol and drug counselors, licensed clinical supervisors,
18 and certified recovery support workers a [\$110] fee for the issuance of an initial license or certificate,
19 and [\$110] a fee for the renewal of a license or certificate under this chapter. [~~The fee for a master
20 licensed alcohol and drug counselor shall be \$240 and the renewal fee shall be \$240.~~] All licenses
21 shall be renewed biennially on or before June 30 upon payment of the license renewal fee. In
22 addition the board shall establish by rule fees for license and certificate applications, late renewal,
23 and reinstatement of all licenses and certifications authorized by this chapter.

24 5 Body Art; License Required; Fees. Amend RSA 314-A:2, II to read as follows:

25 II. ***There shall be a fee for an initial license and a renewal license.*** The procedure
26 and timeframe for license renewals shall be as described in RSA 310-A:1-h.

27 6 Chiropractic; Licenses and Certificates. Amend RSA 316-A:14-a to read as follows:

28 316-A:14-a Licenses and Certificates. Each applicant who qualifies under this chapter and who
29 attains a minimum grade of 70 percent upon the examination given under RSA 316-A:13, I shall
30 receive a license from the board as a chiropractor permitted to practice in New Hampshire. [~~The fee
31 for an initial license and for a license renewal shall be \$300.~~] ***Each applicant who qualifies
32 under this chapter shall pay a fee for an initial license and a license renewal. The initial
33 license and license renewals shall be valid for the terms established under RSA 310-A:1-h.***

34 7 Chiropractic; Renewal. Amend RSA 316-A:20, II to read as follows:

35 II. Each applicant for renewal shall submit satisfactory evidence that the applicant has
36 completed at least 20 hours of continuing education approved by or conducted by the International
37 Chiropractors Association, or the American Chiropractic Association, or the New Hampshire board of

Amendment to SB 313

- Page 3 -

1 chiropractic examiners, or any state-chartered chiropractic school or college, within one year prior to
2 the date of renewal. *In the event of failure to comply with the provisions of this section, the*
3 *applicant shall appear before the board to show cause why the license should not be*
4 *suspended.*

5 8 Electrologists; Fees. Amend RSA 314:10, I to read as follows:

6 I. ~~[The fee for an initial biennial license and for renewal of the biennial license issued under~~
7 ~~this chapter shall be \$110.]~~ The executive director shall establish by rule a schedule of fees for
8 *initial and renewal licenses*, applications, examinations, and license replacement.

9 9 Embalmers and Funeral Directors; Fees. Amend RSA 325:12-a to read as follows:

10 325:12-a Fees. ~~[The fee for an initial 2 year license and for renewal of a license issued under this~~
11 ~~chapter shall be: \$110 for embalmers and \$300 for funeral directors.]~~ The board shall establish fees
12 for *initial and renewal licenses*, examination of applicants, for apprentices, for funeral home-
13 inspections, and for transcribing and transferring records and other services.

14 10 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:6,
15 I(a) to read as follows:

16 (a) Submits the required application form and ~~[\$110]~~ licensing fee.

17 11 Massage Therapists and Massage Establishments; License Issuance. Amend RSA 328-B:7 to
18 read as follows:

19 328-B:7 License Renewal. All licenses issued pursuant to this chapter shall expire on the last
20 day of the birth month of the licensee in the even-numbered year, upon approval of the executive
21 director of the renewal application and submission of the required ~~[\$110]~~ renewal fee.

22 12 Board of Registration of Medical Technicians; Fees. Amend RSA 328-I:6, I to read as follows:

23 I. The board may register any person who submits a completed application *and pays the*
24 *established fee*. ~~[The fee for registration under this chapter shall be \$110.]~~

25 13 Board of Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-I:8
26 to read as follows:

27 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall be
28 subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the
29 board. ~~[The fee for renewal of certificates of registration shall be \$110.]~~ Certificates of registration
30 for medical technician shall be renewed upon the payment of the renewal fee.

31 14 Nursing Home Administrators; Qualifications for Admission to Examination. Amend the
32 introductory paragraph RSA 151-A:5 to read as follows:

33 The board shall admit to examination for licensure as a nursing home administrator any
34 candidate who pays a ~~[\$300]~~ licensing fee and submits evidence of good moral character and
35 suitability prescribed by the board and evidence that the candidate is at least 21 years old and has
36 completed preliminary education satisfactory to the board; provided:

Amendment to SB 313

- Page 4 -

1 15 Ophthalmic Dispensing; Application and Registration Fees. Amend RSA 327-A:7 to read as
2 follows:

3 327-A:7 Application and Registration Fees. Every application for a certificate of registration for
4 ophthalmic dispensing shall be accompanied by a non-refundable registration fee[-of \$110]. Upon
5 approval of the application by the executive director, the applicant shall be issued a certificate of
6 registration for ophthalmic dispensing, which shall be renewed biennially on or before June 30 upon
7 payment of the renewal fee. [~~The fee for renewal of any certificate of registration shall be \$110.~~]

8 16 Optometry; Licenses; Qualification. Amend RSA 327:6 to read as follows:

9 327:6 Licenses; Qualifications. No person, except as otherwise provided in this chapter, shall
10 practice optometry without a license. The board shall not issue a license to any applicant until the
11 person has passed an examination approved by the board, and has presented satisfactory evidence in
12 the form of affidavits properly sworn to, that the person is over 18 years of age and of good moral
13 character, has completed a minimum of 2 years at a college of arts and sciences and has graduated
14 from a school or college of optometry approved by the board, maintaining a minimum of 4 years in
15 optometric training. Persons who submit an application which demonstrates that they meet the
16 eligibility requirements of this chapter and any rules adopted by the board pursuant to RSA 541-A,
17 and pay the [\$300] licensing fee, shall be licensed by the board.

18 17 Optometry; Contact Lens Prescriptions to be Provided to Patient. Amend RSA 327:25-a, IV
19 to read as follows:

20 IV.(a) No person shall conduct or operate a business outside of the state for the sale at retail
21 of contact lenses to individuals within the state unless such business is registered with a permit
22 issued by the board of pharmacy if the out-of-state business is a pharmacy, or by the board of
23 registration in optometry if the out-of-state business is not a pharmacy.

24 (b) The board of pharmacy or the board of registration in optometry shall issue a permit
25 to such out-of-state business if the business discloses and provides proof:

26 (1) That the business is in compliance with all applicable laws and rules in the state
27 in which the business is located;

28 (2) Of the operating locations and the names and titles of all principal corporate
29 officers;

30 (3) That the business complies with all lawful directions and requests for
31 information from the board of pharmacy and the board of registration in optometry of all states in
32 which it conducts business; [~~and~~]

33 (4) That the business agrees in writing to comply with all New Hampshire laws and
34 rules relating to the sale or dispensing of contact lenses; *and*

35 (5) *That the business has paid the established fee.*

36 ~~(c) The board of pharmacy or the board of registration in optometry shall assess the~~
37 ~~following registration fees for out of state contact lens sale companies:~~

Amendment to SB 313

- Page 5 -

1 ~~(1) \$300 for the initial registration.~~

2 ~~(2) \$150 for an annual registration renewal.]~~

3 18 Podiatry; Licenses. Amend RSA 315:8, I to read as follows:

4 I. The board shall issue a license to applicants who have submitted a complete application,
5 paid a [~~\$300~~] license fee, achieved a satisfactory examination score, and satisfied all other criteria of
6 competence and professional character required by this chapter.

7 19 Psychologists; Establishment of Fees. Amend RSA 329-B:12, I to read as follows:

8 I. ~~[The fee for an initial license shall be \$300.]~~ ***There shall be a fee for an initial license.***
9 The license shall be renewed biennially on or before June 30 upon payment of a [~~\$300~~] renewal fee.

10 20 Reflexologists; Structural Integrators; and Asian Bodywork Therapists; Practitioner License
11 Issuance. Amend RSA 328-H:8, I(c) to read as follows:

12 (c) Makes payment of the [~~\$110~~] license fee;

13 21 Reflexologists, Structural Integrators, and Asian Bodyworks. Amend RSA 328-H:9, II to read
14 as follows:

15 II. All licenses issued pursuant to this chapter shall be renewed biennially on or before June
16 30 upon approval by the executive director of the renewal application and submission of the required
17 [~~\$110~~] renewal fee.

18 22 Court Reporters; Term of License. Amend RSA 310-A:173 to read as follows:

19 310-A:173 Term of License; Renewal. The term of licensure under this subdivision shall be
20 every 2 years. All licenses issued by the board shall expire on the last day of the month of the
21 licensee's birth in the year 2 years following the year of issuance. The secretary of the board shall
22 notify every licensee of the date of the expiration of the license and the amount of the fee that shall
23 be required for its renewal for 2 years [~~such amount to be not less than \$200~~]. Such notice shall be
24 mailed at least one month in advance of the date of expiration. Renewal may be effected at any time
25 during the month of expiration by the payment of the fee established by the board and submission of
26 evidence satisfactory to the board showing fulfillment of continuing education requirements. If a
27 licensee fails to renew such license within the 12 months after the date of expiration, it shall become
28 null and void and the licensee shall be required to reapply for licensure. The board, pursuant to
29 rules adopted under RSA 310-A:171, shall charge up to a 20 percent late fee for each month or
30 fraction of a month the renewal is late, up to 12 months, in addition to the renewal fee.

31 23 Septic System Evaluators; Fees. Amend RSA 310-A:208, I and II to read as follows:

32 I. Application for licensure [~~the fee for which shall not exceed \$150 for the initial 2-year~~
33 ~~license~~].

34 II. Renewal for license holders [~~the fee for which shall not exceed \$150 for the 2-year~~
35 ~~renewal~~].

36 24 Certification of Heating Equipment Installers. Amend RSA 153:16-b, II and III to read as
37 follows:

1 II. The mechanical licensing board with the approval of the [~~commissioner~~] **executive**
2 **director of the office of professional licensing and certification** shall adopt rules, pursuant to
3 RSA 541-A, relative to the establishment of minimum education and training standards for
4 voluntarily certified heating equipment installers and heating equipment service personnel.

5 III. The mechanical licensing board with the approval of the [~~commissioner~~] **executive**
6 **director of the office of professional licensing and certification** shall adopt rules, which shall
7 not be subject to RSA 541-A, relative to the establishment of fees for voluntary certification under
8 this section. After the first year of this program, such fees shall be sufficient to produce estimated
9 revenues equal to 125 percent of the direct operating expenses of the previous fiscal year. Fees
10 collected shall be deposited in the general fund.

11 25 State Board of Fire Control; Rulemaking. Amend the introductory paragraph of RSA 153:28,
12 I to read as follows:

13 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
14 appointed board members, in consultation with the [~~state fire marshal~~] **office of professional**
15 **licensure and certification** and with the approval of the [~~commissioner of safety~~] **executive**
16 **director of the office of professional licensure and certification**, shall adopt rules, pursuant to
17 under RSA 541-A, necessary for the proper implementation of the licensure requirements
18 established in this subdivision, which shall include the following:

19 26 State Board of Fire Control; Rulemaking. Amend RSA 153:28, II-V to read as follows:

20 II. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
21 appointed board members, in consultation with the [~~state fire marshal~~] **office of professional**
22 **licensure and certification** and with the approval of the [~~commissioner of safety~~] **executive**
23 **director of the office of professional licensure and certification**, shall establish application
24 fees for licensure, for renewal, for late renewal, and for reinstatement of licenses under this
25 subdivision pursuant to RSA 541-A. Such licensing fees including any endorsements shall not
26 exceed \$500 per individual. The board shall also adopt fees for replacement licenses, for certified
27 copies and reports, for inspections done pursuant to this subdivision, for letters of verification
28 requested by individuals or jurisdictions relating to licensure and certification, and for transcribing
29 and transferring records and other services. The fee for examination by third parties shall be
30 separate from the fees established by the board. Fees established by the board shall be sufficient to
31 produce estimated revenues equal to 125 percent of the direct operating expenses of the board
32 budgeted for the biennium in which they will apply. Fees collected shall be deposited in the general
33 fund.

34 III. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
35 appointed board members, in consultation with the [~~state fire marshal~~] **office of professional**
36 **licensure and certification** and with the approval of the [~~commissioner of safety~~] **executive**
37 **director of the office of professional licensure and certification**, shall adopt technical

Amendment to SB 313

- Page 7 -

1 standards for fuel gas fitting and plumbing by rule under RSA 541-A. The board shall use applicable
2 codes as adopted by the state of New Hampshire.

3 IV. The ~~[state fire marshal]~~ *office of professional licensure and certification* shall
4 assist and support the board in administering and enforcing the provisions of this subdivision.

5 V. The board, *through the office of professional licensure and certification*, may enter
6 into reciprocity agreements which shall permit the licensing of fuel gas fitters and plumbers from
7 states which have a mutual mechanical licensing reciprocity agreement with this state, for all
8 mechanical licenses listed in paragraph I(a) provided the board determines that the requirements for
9 licensure in that state are equivalent to, or greater than, those established by this subdivision.

10 27 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, I to read as
11 follows:

12 I. Notwithstanding RSA 21-G:9, the board, with an affirmative vote of at least 4 of the
13 appointed board members, in consultation with the ~~[state fire marshal]~~ *office of professional*
14 *licensure and certification* and with the approval of the ~~[commissioner of safety]~~ *executive*
15 *director of the office of professional licensure and certification*, shall establish, through
16 rulemaking pursuant to RSA 541-A, the nature of the examinations required for issuance of fuel gas
17 fitter licenses and plumbers licenses. The scope of such examinations and the methods of procedure
18 shall be prescribed by the board. This may include an outside organization approved by the board.

19 28 State Board of Fire Control; Examinations; Licenses. Amend RSA 153:29, IV to read as
20 follows:

21 IV. ~~[The licensee shall have in his or her possession a current biennial license issued by the~~
22 ~~board.]~~ The license *issued* shall be available for inspection on request. The board shall issue a
23 license suitable to be carried by the individual licensee.

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27 appointed board members, in consultation with the ~~[state fire marshal]~~ *office of professional*
28 *licensure and certification* and with the approval of the ~~[commissioner of safety]~~ *executive*
29 *director of the office of professional licensure and certification*, shall adopt rules, pursuant to
30 RSA 541-A, relative to the application and renewal procedure and any eligibility requirements in
31 addition to those in this subdivision for a fuel gas fitter license or plumber for business entities
32 issued pursuant to this section.

33 30 State Board of Fire Control; Appeals From Board Decisions. RSA 153:33 is repealed and
34 reenacted to read as follows:

35 153:33 Appeals From Board Decisions. Any person affected by a final decision of the board may
36 appeal such final decision to the state building code review board, pursuant to RSA 155-A:11-a,
37 within 30 days of the date of the final order.

1 31 New Hampshire Building Code; Appeals of Decisions. Amend the section heading in RSA
2 155-A:11-a and RSA 155-A:11-a, I to read as follows:

3 155-A:11-a Appeal of Decisions [~~of the Electricians' Board and the Board of Home Inspectors~~].

4 I. The board shall hear appeals of final decisions of the board established under RSA 319-
5 C:4 [~~and~~], the board established under RSA 310-A:186, **and the board established under RSA**
6 **153:27-a**.

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8 I. The [~~state fire marshal~~] **office of professional licensure and certification** with the
9 approval of the board and the [~~commissioner of safety~~] **executive director of the office of**
10 **professional licensure and certification** shall have the authority to appoint such inspectors as
11 are necessary to insure compliance throughout the state with practices consistent with the public
12 safety and welfare. Any person so employed shall be under the administration and supervisory
13 direction of the [~~state fire marshal~~] **office of professional licensure and certification**.

14 II. An inspector appointed under this subdivision shall have the authority to enter any
15 premises in which a fuel gas fitter or plumber subject to regulation is performing, or has completed,
16 work regulated under this subdivision for the purpose of making such inspection as is necessary to
17 carry out his or her duties under this subdivision. If consent for such inspection is denied or not
18 reasonably obtainable, the [~~state fire marshal~~] **executive director of the office of professional**
19 **licensure and certification**, or his or her designee, may obtain an administrative inspection
20 warrant under RSA 595-B.

21 33 State Board of Fire Control; Voluntary Certification of Water Treatment Technicians.
22 Amend RSA 153:38, IV and V to read as follows:

23 IV. The board may issue certification without examination to those water treatment
24 technicians who provide adequate documentation of having operated in the capacity of a water
25 treatment technician for a period of at least one year prior to January 1, [~~2004~~] **2024** and who pay
26 the required fees.

27 V. The board, with the approval of the [~~commissioner~~] **executive director of the office of**
28 **professional licensure and certification**, shall adopt rules pursuant to RSA 541-A to implement
29 the certification requirements established in this section, including the application procedure and
30 any eligibility requirements in addition to those in this section for certification as a certified water
31 treatment technician or water treatment trainee, the renewal of certification and reinstatement of
32 certification, and to establish the fees for certification of water treatment technicians and water
33 treatment trainees.

34 34 Repeal. RSA 310-A:1-h, I, relative to certain professions administered by the office of
35 professional licensure and certification, is repealed.

36 35 Effective Date. This act shall take effect upon its passage.

2022-1118s

AMENDED ANALYSIS

This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of the boards, commissions, and councils administered by the office of professional licensure and certification. The bill also establishes a committee to study and make recommendations relative to the funding of the office of professional licensure and certification.

Committee Minutes

SENATE CALENDAR NOTICE

Ways and Means

Sen Bob Giuda, Chair
 Sen Lou D'Allesandro, Vice Chair
 Sen Gary Daniels, Member
 Sen Erin Hennessey, Member
 Sen Cindy Rosenwald, Member

Date: December 20, 2021

HEARINGS

	Wednesday	01/12/2022
	(Day)	(Date)
Ways and Means		9:00 a.m.
(Name of Committee)		(Time)
9:00 a.m. SB 314-FN	State House 100	
	(Place)	
9:15 a.m. SB 318-FN		
9:30 a.m. SB 316-FN		
9:45 a.m. SB 313		

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 314-FN	Sen. Avard	Sen. Daniels	Sen. Gannon
Sen. French			
SB 318-FN	Sen. Bradley	Sen. Gannon	Sen. Ricciardi
Sen. French	Sen. Soucy	Sen. Reagan	Rep. Doucette
Sen. Avard			
Rep. Yakubovich			
SB 316-FN	Sen. Bradley	Sen. Carson	Sen. French
Sen. Avard	Sen. Watters	Sen. Giuda	Sen. Soucy
Sen. Gannon			
Rep. Edwards			
SB 313			
Sen. Giuda	Sen. Rosenwald	Sen. Avard	Sen. Carson
Rep. P. Schmidt	Rep. Lang	Rep. McGuire	

Sonja Caldwell 271-2117

Bob J. Giuda
Chairman

Senate Ways and Means Committee

Sonja Caldwell 271-2117

SB 313, relative to the authority of the office of professional licensure and certification to establish fees.

Hearing Date: January 12, 2022

Members of the Committee Present: Senators Giuda, D'Allesandro, Daniels, Hennessey and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill clarifies that the executive director of the office of professional licensure and certification has authority to establish fees on behalf of the boards, commissions, and councils administered by the office of professional licensure and certification.

Sponsors:

Sen. Giuda
Sen. Carson
Rep. McGuire

Sen. Rosenwald
Rep. P. Schmidt

Sen. Avar
Rep. Lang

Who supports the bill: Sen. Giuda, Sen. Carson, Sen. Avar, Sen. Rosenwald, Paula Minnehan (NH Hospital Assoc.), Lindsey Courtney (OPLC)

Who opposes the bill: Bruce Buttrick, Robert Chebook, Henry Szumiesz, Steven Rancourt (ECBA), Bill Trombly (PFGF HVAC)

Who is neutral on the bill: Karen Soucy

Summary of testimony presented:

Senator Giuda explained this is an effort that began years ago to get the Office of Professional Licensure (OPLC) to be functional in the role designed by the legislature. There have been a number of turnovers of executive directors. This bill takes the boards and aggregates the fee structure and the administration of the fee structure to the OPLC instead of each board running its own fees. It references a significant number of boards.

Lindsey Courtney – Executive Director of the Office of Professional Licensure and Certification (OPLC)

- This bill is intended to clarify their existing statutory authority.
- They were given authority to promulgate rules for fees for all boards in 2018. That authority was re-established in HB2 last year.

- Half of their 54 practice acts have language that conflicts with this statutory authority. They either have retained statutory authority for the boards to promulgate rules regarding fees or they explicitly set the fees in statute.
- The issue with this is certain boards are paying more than they should and some are not paying enough. An example is that cosmetologists pay \$40 for a license and mail order pharmacies pay \$2,000.
- The intent of the statute was to allow the office to do an assessment to make sure everyone is paying same amount for same services and that costs were allocated appropriately. When you have fees set in statute or conflicting statutory authority, the office is unable to effectuate the statutory purpose.
- The OPLC has been having conversations with boards, as the statute requires them to consult with the boards regarding fees.
- There have been concerns expressed by the boards regarding transferring authority to the OPLC. She feels that issue has been settled with the authority given to OPLC in 2018.
- She provided a proposed draft of fees to all boards in September. She has received feedback from some boards and has taken that into account.

Sen. Hennessey asked if there are any major objections from any of the boards to this bill.

Director Courtney said she has no explicit objections from any of the boards though some are opposed to the authority transferring to the OPLC in general. The OPLC and the boards have been engaged in a power struggle for years. Boards want to make sure they are paying a fair amount relative to the other boards and that is not happening right now, and they have no ability to fix it. Some boards are significantly underfunded, and others are paying way too much.

Sen. Hennessey asked for clarification that if a board is not paid enough or paid too much, the board members don't suffer from that inequality, rather it's the revenue to the state.

Director Courtney said that was correct

Sen. Rosenwald asked if all of the boards are 125 boards.

Director Courtney said yes, and the office itself is limited to 125% per HB2 from last year.

Sen. Daniels asked if there are criteria used to determine whether fee goes up or down.

Director Courtney said the OPLC has not filed the proposal submitted to the boards with JLCAR yet, but she took the operating budget for FY22-23 and bumped it up to 125% and then backed out direct costs. There are a handful of boards that have direct costs. Those are mainly the boards that conduct inspections. She then took 179,000 licensees, and found the overall shared cost was about \$25 million across the biennium and if you divide that by licensee the average shared cost is \$155 for a two-year license. For the boards who have direct costs, she backed those in, so those are not \$155. She told boards what they need to come up with for the biennium and asked how they want to divvy it among their licensees and also gave them a proposal. Some have completely changed what she submitted, which is fine as long as they are meeting the benchmark.

Sen. Giuda asked for clarification that nothing in this bill impinges on the authority of boards to oversee their areas of responsibility.

Director Courtney said that was correct. The boards fully retain statutory regulatory authority.

Steven Rancourt from Electrical Contractors Business Assoc.

- Opposed.
- Needs more work.
- Electricians board is also not in favor of this bill.
- They used to be in the fire marshal's office. Before that, boards were scattered around under the Governor's control but not really supervised. They got moved under the Dept. of Safety.

Then they moved to the Joint Board before it became OPLC. The main reason for doing this was to consolidate administrative functions and be more efficient.

- Having fees established with the boards' approval maintains checks and balances.
- This isn't one size fits all.
- They want to work together with OPLC and have more meetings and discussion.
- They have been doing this for 40 years and haven't had any issues.
- Each board should be considered based on personnel, building use, and number of licensees.
- Their board offered to increase their fees by \$50 which would yield \$600,000 more.
- He reiterated that they want to hold off on this bill and work with Director Courtney more.
- An apprentice license is currently \$150 for three years. Director Courtney is recommending it go up to \$300. He believes there is middle ground to try and fix this but right now they are not in favor of this bill.

Sen Hennessey asked what page in the bill his board was on.

Mr. Rancourt said Page 18, line 32.

Sen. Hennessey asked how a fee of \$150 could be moved to \$300 as that is a 100% increase. She asked if it is because in determining that rate, there is a lot of overhead from the new building rent that is being applied to his board or if it is because his board has a lot of expenses in looking at the renewal of these fees that they weren't previously covering. She asked if there is a breakdown of what goes into the \$300 every three years. She also asked how they determined their \$150 fee.

Mr. Rancourt said the current fee has been in place quite a while. The board does not disagree that it is due for an increase but not a 100 % increase. They don't have the details, which is their concern. Direct costs for their inspectors were roughly \$900,000. He said it does not add up to the numbers OPLC wants to put their budget at. They have always covered their 125%.

Bill Trombly – Plumbers, Gas Fitters, and HVAC Assoc. of NH

- He runs Bill Trombly Plumbing and Heating out of Manchester.
- 300 licensees in NH.
- He has also served on the plumbing and mechanical boards.
- The Gas fitting Assoc. is opposed to the bill.
- He is speaking to the mechanical side on page 20-23. The bill does more things to the mechanical license besides set fees.
- The Mechanical board wasn't aware of the bill until last night so he can't say if they are opposed or supportive. This was a surprise to him and the association.
- He thinks there needs to be further work with the boards. He believes some of the changes need to be done but the bill adds a second oil member to the board, which would make it a 9-member board with one member non-voting. With 8 members voting there could be ties. Oil certification is a voluntary license.
- The gasfitters law came into effect in 2007 under fire marshal's office with an advisory committee. The fire marshal had the same authority that OPLC does now. Licensees felt left out and like they didn't know where their fees were going.
- In 2012 they got the law changed and combined the plumbing and gas fitting boards, and the budget was done with the approval of the board.
- As of December 2021, the mechanical board was making 131% of their budget. They switched over to the OPLC in August 2021 and got a memo that their fees were going up. They do not understand why. The board has asked for their direct budget and what they are getting charged for. That information hasn't been given to the board.

- They want to work with OPLC, but they need the information. Their board is very active.
- In this bill they also lose the power to appoint inspectors.
- There are changes to rulemaking in the bill.
- It removes the commissioner of safety but not the fire marshal. He thinks that is an oversight.
- He pays \$300 for his master plumber license and \$180 for his gasfitter license.
- There is a law that doesn't allow their fees to go over \$500. A lot of plumbers are also gasfitters. It is an undue burden paying these two fees.

Lindsey Courtney

- The issue is who should have the authority to set fees. It should be OPLC.
- This bill also removes the statutory fees.
- Concerns over her proposed fees are separate from this legislation.
- If this bill does not pass, certain boards are going to continue to not cover their costs while others will be over 125%. Some boards are at almost 200%.
- They had to move to a leased space, so costs have gone up.
- The Board of Electricians fees have not gone up in 13 years.
- No board, under the proposed fee structure, is paying for the direct costs of another.
- OPLC has 2,200 fee types to manage and a finance staff of three. They will continue to work with boards on what fees should be.
- Some of the changes in this bill related to mechanical were requested by the fire marshal. They are intended to clean up the statute.
- This bill will allow the agency to have a budget.

Sen Rosenwald asked about the Guardian ad Litem board section on page 19, line 33, it doesn't allow the office to set the fees but has that go through the rule making process. She does not see any other board reference in the bill where the rulemaking process sets the fees. This looks like OPLC will not set the fees but rather JLCAR will.

Director Courtney responded that she reads this language to be in conjunction with RSA310-A which grants the executive director the authority to set fees and rules.

Sen. Daniels asked if license fees can be set at lower level as an incentive to draw people to a field and used the LNA board as an example, knowing we need healthcare workers.

Director Courtney said yes. She recommended they eliminate the fee for LNAs. That would mean fees for nurses and others would have to go up. They have to cover their costs. They are concerned that eliminating the fee would mean there is no LNA license and LNAs take pride in the license. The boards know their professions.

Sen. Daniels asked if she would set a license fee at a high rate to discourage people from that field.

Director Courtney said no, that would be inappropriate.

Sen. Giuda asked if they provide boards with the total costs of the OPLC as an agency. Our purpose is to make the application process more efficient for members.

Director Courtney said she didn't provide them with the actual budget unless they requested it. She said unless you know how to read it, you will not know what you are looking at. She sent a letter explaining what their operating costs were, along with her recommendations and she offered to meet with them.

Sen. Giuda asked if they have a unified cost allocation form.

Director Courtney said she changed their cost allocation methods because they were not fair. They used to be based on revenue. Starting with this fiscal year, she changed it such that everyone pays

the same amount for shared costs. Most expenses are shared costs. The direct costs are experts, consultants, inspectors, and vehicles.

Steven Rancourt

- He said he understands Director Courtney's concerns.
- Their board asked questions and it took two months to get answers. They have gone to electronic licensing. They send an email, and you have to print it out yourself. He asked what the savings was (as they used to have to print a card) and they didn't know what it cost to produce the cards.
- 2018 legislation gave them the authority to set fees with the board's approval and that is what they want to maintain.

Sen. Giuda asked if his board would be willing to sit down and walk through this.

Mr. Rancourt said absolutely.

Sen. D'Allesandro said there was controversy over the Electricians' Board, and the legislature thought bringing it to the OPLC would be better. He asked if it is his perception that under HB2 the decision has to be made by the board

Mr. Rancourt said no. The authority is given to OPLC with the board's approval.

Sen. D'Allesandro asked if OPLC wasn't addressing him in a timely fashion.

Mr. Rancourt said the lack of the detail information causes the board concern, but he understands the director is very busy and things weren't tracked well in the past. The Board is not happy with the way this is being approached.

Sen. D'Allesandro said it seems communication is a problem.

Mr. Rancourt said they are losing some services.

sc

Date Hearing Report completed: January 14, 2022

Speakers

Senate Remote Testify

Ways and Means Committee Testify List for Bill SB313 on 2022-01-12

Support: 3 Oppose: 3

<u>Name</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>
Carson, Senator Sharon	An Elected Official	Myself	Support
Avard, Senator Kevin	An Elected Official	SD 12	Support
Rosenwald, Cindy	An Elected Official	SD 13	Support
Buttrick, Bruce	A Member of the Public	Myself	Oppose
Chebook, Robert	A Member of the Public	Myself	Oppose
Szumiesz, Henry	State Agency Staff	Electricians board	Oppose
Soucy, Karen	A Lobbyist	Myself	Neutral

Testimony

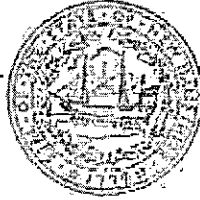
State of New Hampshire

OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION

7 Eagle Square, Suite 200
Concord, N.H. 03301-2412

Telephone 603-271-2152

LINDSEY B. COURTNEY
Executive Director



January 12, 2022

Hon. Bob Giuda
Chair, Senate Ways and Means
State House, Room 100
Concord, NH 03301

Re: Testimony in support of SB 313

Dear Chair Giuda:

OPLC wishes to express its support of Senate Bill 313, which clarifies that the Executive Director of the Office of Professional Licensure and Certification ("OPLC") has the statutory authority to adjust fees within the agency.

Effective July 1, 2018, RSA 310-A:1-d, II(h)(1) granted to the Executive Director the authority to establish by rule, "[a]ll fees authorized by statute for all boards, commissions, and councils within the office . . ." See also RSA 310-A:1-e, II. This authority was reestablished in HB2 last year. However, approximately half of the practice acts within OPLC have language that conflict with this statutory authority. Such practice acts either grant the boards the authority to adopt fees by statute or explicitly establish fees. Traditional rules of statutory construction dictate that, to the extent two statutes conflict, the last statute that is amended controls. Accordingly, as practice acts are amended and continue to grant boards the authority to promulgate fees, the boards (and not OPLC), will be deemed to have authority to set fees. To remedy this conflict, SB 313 removes all references in the practice acts to fees.

In addition, some boards still have language where certain fees are expressly set by statute. For instance, despite the above language in RSA 310-A:1-d, II(h)(1), the Board of Psychologists has a statute which sets the fee for licensure and renewal at \$300.00. See RSA 329-B:12. This patchwork of having some fees still set by statute while others are set, by rule, by the Executive Director makes it difficult to set fees globally for all the boards.

OPLC understands that certain individuals or board members make take issue with authority being transferred to OPLC. However, that issue was decided in 2018; OPLC simply wishes to effectuate the statutory intent of RSA 310-A:1-d.

Hon. Bob Giuda
January 12, 2022
Page Two

Thank you for the opportunity to provide comments. Feel free to contact me directly with any questions.

Very truly yours,

A handwritten signature in cursive script, appearing to read "L. Courtney".

Lindsey B. Courtney, JD
Executive Director
Office of Professional Licensure and Certification

Voting Sheets

Senate Ways & Means Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # **SB 313**

Hearing date: 1-12-22

Executive Session date: 3-16

Motion of: 1114s Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Giuda, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. D'Allesandro, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Daniels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTPIA Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Giuda, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. D'Allesandro VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Daniels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: CONSENT Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Giuda, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. D'Allesandro, VC	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Daniels	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Rosenwald	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Giuda

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Wednesday, March 16, 2022

THE COMMITTEE ON Ways and Means

to which was referred **SB 313**

AN ACT

relative to the authority of the office of professional
licensure and certification to establish fees.

Having considered the same, the committee recommends that the Bill

ought to pass with amendment

BY A VOTE OF: 5-0

AMENDMENT # 1118s

Senator Bob Giuda
For the Committee

The bill as introduced left many stakeholders with concerns about their ability to have input with regard to the licensing fees for their respective boards. A compromise was reached, and the committee amendment replaces the bill in its entirety. The amendment establishes a committee to study funding sources, fee-setting authority, and fees of the Office of Professional Licensure and Certification (OPLC), and the boards, councils, and commissions within the office. The committee will make recommendations for any necessary changes to the current statutory framework. The Executive Director of the OPLC currently has the authority to establish fees on behalf of the boards, commission, and councils it administers, therefore the amendment also eliminates any existing statutory fees that were in conflict with this authority. It also makes other necessary housekeeping changes to certain statutes.

Sonja Caldwell 271-2117

FOR THE CONSENT CALENDAR

WAYS AND MEANS

SB 313, relative to the authority of the office of professional licensure and certification to establish fees.

Ought to Pass with Amendment, Vote 5-0.

Senator Bob Giuda for the committee.

The bill as introduced left many stakeholders with concerns about their ability to have input with regard to the licensing fees for their respective boards. A compromise was reached, and the committee amendment replaces the bill in its entirety. The amendment establishes a committee to study funding sources, fee-setting authority, and fees of the Office of Professional Licensure and Certification (OPLC), and the boards, councils, and commissions within the office. The committee will make recommendations for any necessary changes to the current statutory framework. The Executive Director of the OPLC currently has the authority to establish fees on behalf of the boards, commission, and councils it administers, therefore the amendment also eliminates any existing statutory fees that were in conflict with this authority. It also makes other necessary housekeeping changes to certain statutes.

General Court of New Hampshire - Bill Status System

Docket of SB313

Docket Abbreviations

Bill Title: (Second New Title) relative to the authority of the office of professional licensure and certification to establish fees.

Official Docket of SB313.:

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Ways and Means; SJ 1
12/20/2021	S	Hearing: 01/12/2022, Room 100, SH, 09:45 am; SC 50
3/16/2022	S	Committee Report: Ought to Pass with Amendment #2022-1118s , 03/24/2022; Vote 5-0; CC; SC 12
3/24/2022	S	Committee Amendment #2022-1118s , AA, VV; 03/24/2022; SJ 6
3/24/2022	S	Ought to Pass with Amendment 2022-1118s, MA, VV; OT3rdg; 03/24/2022; SJ 6
3/28/2022	H	Introduced 03/28/2022 and referred to Executive Departments and Administration
4/4/2022	H	==CANCELLED== Public Hearing: 04/05/2022 03:00 pm LOB 302-304
4/4/2022	H	Public Hearing: 04/08/2022 10:00 am LOB 302-304
4/12/2022	H	Committee Report: Ought to Pass with Amendment #2022-1385h (NT) (Vote 17-0; CC) HC 15 P. 8
4/20/2022	H	Full Committee Work Session: 04/25/2022 10:00 am LOB 302-304
4/21/2022	H	Amendment # 1385h: AA VV 04/21/2022 HJ 10
4/21/2022	H	Ought to Pass with Amendment 1385h: MA VV 04/21/2022 HJ 10
4/21/2022	H	Referred to Ways and Means 04/21/2022 HJ 10
4/22/2022	H	Full Committee Work Session: 04/26/2022 10:00 am LOB 202-204
4/27/2022	H	Committee Report: Ought to Pass with Amendment #2022-1791h (Vote 17-0; CC)
5/4/2022	H	Amendment # 1791h: AA VV 05/04/2022 HJ 11
5/4/2022	H	Ought to Pass with Amendment 1791h: MA VV 05/04/2022 HJ 11
5/12/2022	S	Sen. Giuda Moved Nonconcur with the House Amendment; Requests C of C, MA, VV; 05/12/2022; SJ 12
5/12/2022	S	President Appoints: Senators Giuda, Carson, Rosenwald; 05/12/2022; SJ 12
5/18/2022	S	Committee of Conference Meeting: 05/18/2022, 10:00 am, Room 103, SH
5/12/2022	H	House Accedes to Senate Request for CofC (Rep. McGuire): MA VV 05/12/2022 HJ 13
5/12/2022	H	Speaker Appoints: Reps. Abrami, Schuett, S. Pearson 05/12/2022 HJ 13
5/13/2022	H	Conferee Change: Rep. T. Lekas Replaces Rep. Pearson 05/13/2022
5/26/2022	H	Conference Committee Report #2022-2066c Filed 05/18/2022; House Amendment + New Amendment
5/26/2022	H	Conference Committee Report 2022-2066c: Adopted, VV 05/26/2022 HJ 14
5/26/2022	S	Conference Committee Report #2022-2066c , Adopted, VV; 05/26/2022; SJ 13
6/22/2022	H	Enrolled (in recess of) 05/26/2022 HJ 14

6/22/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13
7/7/2022	S	Signed by the Governor on 07/01/2022; Chapter 0314; Effective 07/01/2022

NH House

NH Senate

Other Referrals

May 18, 2022
2022-2066-CofC
04/08

1 Committee of Conference Report on SB 313, relative to the authority of the office of professional
2 licensure and certification to establish fees and establishing a committee to study and make
3 recommendations relative to funding of the office of professional licensure and certification.

4

5 Recommendation:

6 That the Senate recede from its position of nonconcurrency with the House amendment, and
7 concur with the House amendment, and

8 That the Senate and House adopt the following new amendment to the bill as amended by the
9 House, and pass the bill as so amended:

10

11 Amend the bill by replacing all after section 32 with the following:

12 33 Board of Registration of Medical Technicians; Fees. Amend RSA 328-I:6, I to read as follows:

13 I. The board may register any person who submits a completed application *and pays the*
14 *established fee.* [~~The fee for registration under this chapter shall be \$110.~~]

15 34 Board of Registration of Medical Technicians; Renewal of Registration. Amend RSA 328-I:8
16 to read as follows:

17 328-I:8 Renewal of Registration. Certificates of registration issued under this chapter shall
18 be subject to renewal every 2 years and shall expire unless renewed in the manner prescribed by the
19 board. [~~The fee for renewal of certificates of registration shall be \$110.~~] Certificates of registration
20 for medical technician shall be renewed upon the payment of the renewal fee.

21 35 Effective Date. This act shall take effect upon its passage.

Committee of Conference Report on SB 313

- Page 2 -

The signatures below attest to the authenticity of this Report on SB 313, relative to the authority of the office of professional licensure and certification to establish fees and establishing a committee to study and make recommendations relative to funding of the office of professional licensure and certification.

Conferees on the Part of the Senate

Conferees on the Part of the House

Sen. Giuda, Dist. 2

Rep. McGuire, Merr. 29

Sen. Carson, Dist. 14

Rep. Abrami, Rock. 19

Sen. Rosenwald, Dist. 13

Rep. Schuett, Merr. 20

Rep. T. Lekas, Hills. 37

Senate Inventory Checklist for Archives

Bill Number: SB313

Senate Committee: WAYS & MEANS

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: (Legislative Aides)

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- 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 # 1114s - amendment # _____
- amendment # 1118s - amendment # _____
- Executive Session Sheet
- 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): 2066C
- 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:

SC
Committee Aide

6-3-22
Date

Senate Clerk's Office IW