

HB 445-FN - AS INTRODUCED

2023 SESSION

23-0753
04/08

HOUSE BILL ***445-FN***

AN ACT relative to the operational funds of OPLC.

SPONSORS: Rep. Ulery, Hills. 13; Rep. Merchant, Sull. 6; Rep. Goley, Hills. 21; Rep. C. McGuire, Merr. 27; Rep. M. Pearson, Rock. 34; Rep. J. Murphy, Graf. 12; Sen. Carson, Dist 14; Sen. Lang, Dist 2

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes the office of professional licensure and certification fund a nonlapsing fund, a portion of which shall be used for capital expenditures and to lower fees.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

23-0753
04/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to the operational funds of OPLC.

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

1 Office of Professional Licensure and Certification Fund; Fees. Amend RSA 310-A:1-e, I(b) to read as follows:

(b) There is hereby established the office of professional licensure and certification fund into which the fees collected under subparagraph (a) shall be deposited. [~~After paying~~] ***The fund shall be nonlapsing and continually appropriated to the office of professional licensure and certification. Moneys in the fund shall be used to pay*** all costs and salaries associated with the office[~~, moneys in this fund shall lapse to the general fund at the close~~

~~of each biennium], and any remaining funds shall be used for capital expenditures related to the operation of the office of professional licensure and certification and to reduce licensing and certification fees.~~

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

LBA
23-0753
1/6/23

**HB 445-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to the operational funds of OPLC.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Office of Professional Licensure and Certification Fund			

METHODOLOGY:

This bill changes the Office of Professional Licensure and Certification fund from a lapsing fund, at the end of the biennium, to a nonlapsing fund with a portion of the non lapsed amount to be used for capital expenditures and to lower fees.

The Office of Professional Licensure and Certification (OPLC) states this bill will not necessarily change the funding and expenditures to the State, but rather shift where the money ends up at the end of the biennium. Per this bill, the amount lapsed to the General Fund at the end of the biennium will decrease. OPLC indicates by not lapsing funds their office will be able to lower licensing and certification fees. OPLC state the effects from this bill may not occur for a few years and the amount is indeterminable.

Since FY 2019, the OPLC has lapsed \$3.3 million to \$4.1 million back to the General Fund at the end of each fiscal year. Chapter 91, Laws of 2021, changed the laws to have the funds lapse at the end of the biennium starting with the FY 2022-2023 biennium. Based on the historical trends, the OPLC would be expected to lapse between \$6.5 million to \$8 million back to the General Fund at the end of this biennium. This bill would allow the OPLC to retain the funds, thus decreasing the amount to the General Fund.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

Rep. Ulery, Hills. 13
February 3, 2023
2023-0834h
07/05

Amendment to HB 445-FN

1 Amend the bill by replacing section 1 with the following:

2

3 1 Office of Professional Licensure and Certification Fund; Fees. Amend RSA 310-A:1-e, I(b) to
4 read as follows:

5 (b) There is hereby established the office of professional licensure and certification fund
6 into which the fees collected under subparagraph (a) shall be deposited. ~~[After paying]~~ ***The fund***
7 ***shall be nonlapsing and continually appropriated to the office of professional licensure***
8 ***and certification. Moneys in the fund shall be used to pay*** all costs and salaries associated
9 with the office~~[- moneys in this fund shall lapse to the general fund at the close of each biennium],~~
10 ***and any remaining funds shall be used for capital expenditures related to the operation of***
11 ***the office of professional licensure and certification and to reduce licensing and***
12 ***certification fees. Moneys in the fund in excess of \$3,000,000 shall, at the end of each***
13 ***biennium, be transferred to the general fund.***

Amendment to HB 445-FN
- Page 2 -

2023-0834h

AMENDED ANALYSIS

This bill makes the office of professional licensure and certification fund a nonlapsing fund, a portion of which shall be used for capital expenditures and to lower fees. This bill also transfers all moneys in excess of \$3,000,000 to the general fund at the end of each biennium.

CONSENT CALENDAR

March 15, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Ways and Means to which was referred HB 445-FN,

AN ACT relative to the operational funds of OPLC.

Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Jordan Ulery

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Ways and Means
Bill Number:	HB 445-FN
Title:	relative to the operational funds of OPLC.
Date:	March 15, 2023
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2023-0834h

STATEMENT OF INTENT

This bill changes the current lapsing fund into a non-lapsing fund for capital expenditures plus salaries and costs related to the Office of Professional Licensure and Certification. That fund is capped by recommendation of the policy committee, Executive Departments and Administration, and was set by Ways and Means at \$3 million. This is a clarification and housekeeping bill on previously approved policy.

Vote 18-1.

Rep. Jordan Ulery
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Ways and Means

HB 445-FN, relative to the operational funds of OPLC. **OUGHT TO PASS WITH AMENDMENT.**
Rep. Jordan Ulery for Ways and Means. This bill changes the current lapsing fund into a non-lapsing fund for capital expenditures plus salaries and costs related to the Office of Professional Licensure and Certification. That fund is capped by recommendation of the policy committee, Executive Departments and Administration, and was set by Ways and Means at \$3 million. This is a clarification and housekeeping bill on previously approved policy. **Vote 18-1.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON WAYS AND MEANS

PUBLIC HEARING ON HB 445-FN

BILL TITLE: relative to the operational funds of OPLC.

DATE: March 7, 2023

LOB ROOM: 22-204

Time Public Hearing Called to Order: 10:03 a.m.

Time Adjourned: 10:50 a.m.

Committee Members: Reps. L. Sanborn, Plett, Ulery, Doucette, Soti, Aures, Rochefort, Almy, Ames, Malloy, Schamberg, Fellows, Bolton, Elberger and Leapley

Bill Sponsors:

Rep. Ulery
Rep. C. McGuire
Sen. Carson

Rep. Merchant
Rep. M. Pearson
Sen. Lang

Rep. Goley
Rep. J. Murphy

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Ulery - This past summer sat on a commission concerning the Office of Professional Licensure (OPLC). Issues – any excess funds go to general fund. One way to continue is process is to make it nonlapsing, allowing funds to do investigations. Every year \$4-5 Million to fill this fund. Massive reorganization coming up. This has nothing to do with the breadth licensure, this is handling the process. We put a cap on it, with an amendment 2023-0332h, capping at \$5 million. This will be separate from the budget in statutory law. Senator Lang has a similar bill, requiring reporting to the legislature. Two-three million is normal payment to general fund. Almy – how much total amount of fees of OPLC? Answer - Exact number commissioner can provide. Licenses cost vary depending on how complicated the process is. We need this bill to compromise with the other body on their bill.

Lindsey Courtney – Executive Director of OPLC. Fully in support of this bill. Fully self-funded. \$13.5 Million budget. Renewals come in unevenly over the year. It is dedicated already, but this would allow non-lapse. The lapse hurts because we may have little money in the till to start the year. July 1, zero money, low licensing activity. Plett – One time up to \$5 million hit to State of NH, otherwise the same? Yes. Rochefort – What are you going to do to lower costs and fees? Fees were established either by Statute or Rule. OPLC Statute amended to allow us to by rule set fees. Yet the statutory fees not removed. From statute – have talked with legislature to remove statutory fees. As soon as we have clear rulemaking we will, and the fees will be more representative of costs. Rep. Almy – we set fees for smaller medical health related. Two groups of midwives, one refused talk with us. Are these and a few others incapable of paying for themselves? Some are screaming that customers will not find what they want. Are you going to eliminate all who can't pay for themselves? No – we should allocate costs fairly to set the fee. If subsidies are to be applied, not from other licensees – unconstitutional taking. Rep. Elberger – could we get a budget from OPLC? Fellows – when we go to your presentation to finance? Did this include all license elimination? Yes, we estimated. Fellows - The philosophy that came out of study that licensee pay all costs – providing safety to public. Answer – philosophical question. Plett – If your revenue gets cut due to reduction in license types, can you cut costs proportionally or would remaining licensee fees have to go up? We did do an analysis but not truly clear because HB2 would transfer some licenses to us. Rep. Ulery – This is a separate bill to get this done. There are other things going on which will result in separate bill(s). Cap came from a recommendation out of ED&A Committee, first committee. Ms. Courtney – we fully support cap. Fellows – capital expenditure she says you still need to go through capital budget process. We don't have a functioning licensing portal, we need to build it. Leapley –

Analysis is on BA Website. General Court, the LBA, budget documents 24-25 – finance Division 21
another source

Sincerely submitted,

Rep. Plett, Clerk

House Remote Testify

Ways and Means Committee Testify List for Bill HB445 on 2023-03-07

Support: 3 Oppose: 6 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	
Lang, Senator Tim	Sanbornton, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 2	Support	No	No	:
Behnke, Mary	Manchester, NH mariabruja@comcast.net	A Member of the Public	Myself	Support	No	No	:
Spillers, Jessica	Manchester, NH jspillers102@gmail.com	A Member of the Public	Myself	Oppose	No	No	:
Hersom, Katie	Hampstead, NH hersomkatie@gmail.com	A Member of the Public	Myself	Oppose	No	No	:
Carson, Sen. Sharon	Londonderry, NH sharon.carson@leg.state.nh.us	An Elected Official	Myself	Support	No	No	:
Sheppard, Kristen	Derry, NH ksheppardmsw@gmail.com	A Member of the Public	Myself	Oppose	No	No	:
Miller, Christine	Penacook, NH miller5529@comcast.net	A Member of the Public	Myself	Oppose	No	No	:
DeStefano, Kimberly	Pembroke, NH kimberly.destefano17@gmail.com	A Member of the Public	Myself	Oppose	No	No	:
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	:

HOUSE COMMITTEE ON WAYS AND MEANS

EXECUTIVE SESSION on HB 445-FN

BILL TITLE: relative to the operational funds of OPLC.

DATE: March 15, 2023

LOB ROOM: 202-204

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. Ulery	Seconded by Rep. Almy	AM Vote: 19-0
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Amendment # 2023-0834h

Moved by Rep. Ulery	Seconded by Rep. Almy	Vote: 18-1
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Respectfully submitted,

Rep Fred Plett, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:25:09 PM
Roll Call Committee Registers
Report

2023 SESSION

Executive Departments and Administration

Bill #: 445 Motion: OTP AM #: _____ Exec Session Date: 1-25-23

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓		
Simon, Matthew J. Vice Chairman	✓		
Lekas, Tony	✓		
Bailey, Glenn		✓	
Santonastaso, Matthew			
True, Chris	✓		
Dolan, Tom	✓		
Abare, Kimberly L	✓		
Gerhard, Jason	✓		
Sirois, Shane A	✓		
Grote, Jaci L.	✓		
Schmidt, Peter B.	✓		
Goley, Jeffrey P.			✓
Schuett, Dianne E.	✓		
O'Brien, Michael B.	✓		
Wilhelm, Matthew B.			
Davis, Fred E.	✓		
Fitzpatrick, Daniel W	✓		
Gould, Sherry L	✓		
Smith, Juliet L			
TOTAL VOTE:			

15 1 1

HB 445-FN - AS INTRODUCED

2023 SESSION

23-0753

04/08

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SPONSORS: Rep. Ulery, Hills. 13; Rep. Merchant, Sull. 6; Rep. Goley, Hills. 21; Rep. C. McGuire, Merr. 27; Rep. M. Pearson, Rock. 34; Rep. J. Murphy, Graf. 12; Sen. Carson, Dist 14; Sen. Lang, Dist 2

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill makes the office of professional licensure and certification fund a nonlapsing fund, a portion of which shall be used for capital expenditures and to lower fees.

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10 ***certification fees.***

11 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 445-FN- FISCAL NOTE
AS INTRODUCED**

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STATE:	Estimated Increase / (Decrease)			
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Since FY 2019, the OPLC has lapsed \$3.3 million to \$4.1 million back to the General Fund at the end of each fiscal year. Chapter 91, Laws of 2021, changed the laws to have the funds lapse at the end of the biennium starting with the FY 2022-2023 biennium. Based on the historical trends, the OPLC would be expected to lapse between \$6.5 million to \$8 million back to the General Fund at the end of this biennium. This bill would allow the OPLC to retain the funds, thus decreasing the amount to the General Fund.

AGENCIES CONTACTED:

Office of Professional Licensure and Certification

REGULAR CALENDAR

January 25, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 445-FN,

AN ACT relative to the operational funds of OPLC.

Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Carol McGuire

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 445-FN
Title:	relative to the operational funds of OPLC.
Date:	January 25, 2023
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill makes the existing Office of Professional Licensure and Certification (OPLC) dedicated fund non-lapsing, and restricts anything above OPLC direct costs and salaries to be used for capital expenditures and reducing license fees. The OPLC is funded entirely by licensing fees, and in recent years, has collected about \$3 million per year above its direct operating costs, which were lapsed to the general fund. Unfortunately, fees well beyond the cost of supporting the licensees is considered an unconstitutional tax so continuing lapses to the general fund are a problem. In addition, the practice of emptying the fund at the end of the fiscal year created cash flow problems for the agency since license fees are collected periodically rather than evenly throughout the year. The committee considered capping the fund, but was convinced that the second committee would be able to do that more appropriately.

Vote 15-1.

Rep. Carol McGuire
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

HB 445-FN, relative to the operational funds of OPLC. **OUGHT TO PASS.**

Rep. Carol McGuire for Executive Departments and Administration. This bill makes the existing Office of Professional Licensure and Certification (OPLC) dedicated fund non-lapsing, and restricts anything above OPLC direct costs and salaries to be used for capital expenditures and reducing license fees. The OPLC is funded entirely by licensing fees, and in recent years, has collected about \$3 million per year above its direct operating costs, which were lapsed to the general fund. Unfortunately, fees well beyond the cost of supporting the licensees is considered an unconstitutional tax so continuing lapses to the general fund are a problem. In addition, the practice of emptying the fund at the end of the fiscal year created cash flow problems for the agency since license fees are collected periodically rather than evenly throughout the year. The committee considered capping the fund, but was convinced that the second committee would be able to do that more appropriately. **Vote 15-1.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 445-FN

BILL TITLE: relative to the operational funds of OPLC.

DATE: January 25, 2023

LOB ROOM: 306 **Time Public Hearing Called to Order:** 10:02 am

Time Adjourned: 10:37 am

Committee Members: Reps. C. McGuire, Simon, Sirois, T. Lekas, Bailey, True, T. Dolan, Abare, Gerhard, Grote, P. Schmidt, Goley, Schuett, O'Brien, F. Davis, Fitzpatrick and S. Gould

Bill Sponsors:

Rep. Ulery
Rep. C. McGuire
Sen. Carson

Rep. Merchant
Rep. M. Pearson
Sen. Lang

Rep. Goley
Rep. J. Murphy

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

***Rep. Ulery:** In favor of HB 445 and a non-lapsing fund. Idea is to simplify OPLC. Will add a five million cap as suggested by OPLC Director L. Courtney.

***Rep. Pearson:** In favor of HB 445 and in favor of funds "being available in a non-lapsing way." "It would not be an additional taxation on us."

***L. Courtney** (OPLC): Spoke on history of OPLC lapsing and non-lapsing funds. "Money is intended for licensing."
Spoke about allocation of fees.

***Steven Rancourt** (ECBA): Here to support HB 445. Suggests "what is left over could be used to relieve licensing fees."

Respectfully Submitted,

Rep Shane Sirois, Clerk

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB445 on 2

Support: 8 Oppose: 0 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>
Lang, Senator Tim	Sanbornton, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 2	Support	No	No
Campion, Polly	Etna, NH pollykcampion@gmail.com	A Member of the Public	Myself	Support	No	No
Townsend, Carol	Weare, NH catownsend85@gmail.com	A Member of the Public	Myself	Support	No	No
Lajoie, Katie	Charlestown, NH jlje23@hotmail.com	A Member of the Public	Myself	Support	No	No
smith, carla	Fremont, NH tsmith1992@yahoo.com	A Member of the Public	Myself	Support	No	No
Carson, Sen. Sharon	Londonderry, NH sharon.carson@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Smith, Susan	Gilford, NH ses67105@gmail.com	A Member of the Public	Myself	Support	No	No
Berry, Jake	Concord, NH jberry@new-futures.org	A Lobbyist	New Futures	Support	No	No

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 445-FN

BILL TITLE: relative to the operational funds of OPLC.

DATE: January 25, 2023

LOB ROOM: 306-308

MOTIONS: OUGHT TO PASS

Moved by Rep. C. McGuire

Seconded by Rep. Grote

Vote: 15-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Shane Sirois, Clerk



STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/5/2023 1:25:09 PM
Roll Call Committee Registers
Report

2023 SESSION

Executive Departments and Administration

Bill #: 445 Motion: OTP AM #: _____ Exec Session Date: 1-25-23

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓		
Simon, Matthew J. Vice Chairman	✓		
Lekas, Tony	✓		
Bailey, Glenn		✓	
Santonastaso, Matthew			
True, Chris	✓		
Dolan, Tom	✓		
Abare, Kimberly L	✓		
Gerhard, Jason	✓		
Sirois, Shane A	✓		
Grote, Jaci L.	✓		
Schmidt, Peter B.	✓		
Goley, Jeffrey P.			✓
Schuett, Dianne E.	✓		
O'Brien, Michael B.	✓		
Wilhelm, Matthew B.			
Davis, Fred E.	✓		
Fitzpatrick, Daniel W	✓		
Gould, Sherry L	✓		
Smith, Juliet L			
TOTAL VOTE:			

15 1 1