



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

OCTOBER 2, 2014

Members Present: Senators Reagan and Lasky, and Representatives Schmidt, McGuire, MacKay, Ladd, Gottling*, Barry*, and Hatch*. (*) Indicates alternate member.

(**) Part 1, Article 28-a of the N.H. Constitution was not an issue in the Committee's discussions or decisions in this meeting.

1. The meeting was convened at 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan were Reps. Schmidt, McGuire, MacKay, Gottling, and Barry.

Sen. Reagan designated Rep. Gottling as an alternate for Rep. Sad, who was absent, and, if Rep. Sad arrives, for Sen. Lasky, who also was absent. Sen. Reagan also designated Rep. Barry as an alternate for Rep. Ladd, who was absent, but when Rep. Ladd appears, for Sen. Rausch, who also was absent.

2. The Committee discussed the minutes of the Committee meeting on September 18, 2014.

Rep. MacKay moved that the Committee approve the minutes.

Rep. Schmidt seconded.

After further discussion, Rep. MacKay amended his motion for approval to add amendments (1) to Item #3 to change "September 18, 2014" to "August 21, 2014", and (2) to amend the second sentence of the first paragraph in Item #10 relative to Final Proposal 2014-98 from the Board of Landscape Architects so that the sentence reads: "Louise Lavertu of the Joint Board of Licensure and Certification testified for the Board of Landscape Architects and provided budget data to the Committee."

Rep. Schmidt amended his second.

The motion as amended was adopted.

3. The Committee discussed whether to postpone action on certain items to the October 16, 2014 meeting.

Rep. Schmidt moved that the Committee postpone action on the following items to the Committee meeting on October 16, 2014:

7. DEPARTMENT OF REVENUE ADMINISTRATION

- (b) FP 2014-58 Meals and Rentals Tax
(JLCAR Deadline October 20, 2014.)

8. DEPARTMENT OF EMPLOYMENT SECURITY

- FP 2014-20 Penalty Weeks under RSA 282-A:164
(JLCAR Deadline September 18, 2014.)
(Formerly Item #8(a) on 6-20-14 agenda, Item #10 on 7-17-14 agenda, and Item #8 on 8-21-14 agenda.)

9. DEPARTMENT OF SAFETY

- FP 2013-222 Commissioner
Readoption of Marketing, Sales, and Possession of Fireworks Rules
(JLCAR Deadline September 18, 2014.)
(Formerly Item #9(a) on 6-20-14 agenda, Item #16 on 7-17-14 agenda, and Item #14 on 8-21-14 agenda.)

13. DEPARTMENT OF HEALTH AND HUMAN SERVICES

- (c) FP 2014-44 Former Division of Public Health Services
Immunization Registry
(JLCAR Deadline October 20, 2014.)

15. NH LOTTERY COMMISSION

- (a) OR 2014-38 Rules for Sales Agents
(JLCAR Deadline November 25, 2014.)
(Response not yet received. Response due October 6, 2014.)
- (b) OR 2014-39 Rules for Prize Claims
(JLCAR Deadline November 25, 2014.)
(Converted from conditional approval. Objection Response not yet received.
Response due October 6, 2014.)

Rep. MacKay seconded.

Adopted.

4. The Committee discussed Final Proposal 2014-32 from the Department of Environmental Services (Water Quality and Quantity Programs, Standards of Design and Construction for Sewerage and Wastewater Treatment Facilities). Peter Demas and Sharon Rivard testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated October 1, 2014.

Sen. Lasky, Rep. Ladd, and Rep. Hatch arrived during the discussion of this item.

Rep. Schmidt moved that the Committee accept the Department's conditional approval request and conditionally approve Final Proposal 2014-32 based on the request, but with the recommendation that the Department seek legislation to address the issue of incorporation by reference as outlined in the annotations by Committee staff to the Final Proposal, and with the understanding that the Committee's approval is not to serve as a precedent on the issue of incorporation by reference in future rulemakings.

Rep. McGuire seconded.

Sen. Reagan designated Rep. Hatch as an alternate for Sen. Rausch, who was absent.

The motion was adopted.

5. The Committee discussed the following Final Proposals from the Board of Pharmacy:

OR 2014-66 Pharmacy Technicians

OR 2014-67 Pharmacy Interns

Robert Stout, Board Vice-President, testified for the Board.

The Board requested a revised objection to Final Proposal 2014-67 on the grounds as outlined in the annotations to the rules by Committee staff, with the exception of the staff comment to Ph 1606.01(c) regarding a Board amendment not in direct response to the Committee's objection, and the staff comment to Ph 1604.01(c)(3) [sic].

Rep. McGuire moved that the Committee make a revised objection to Final Proposal 2014-67 as requested by the Board.

Rep. Hatch seconded.

Adopted.

The Board requested a revised objection to Final Proposal 2014-66 on the grounds as outlined in the annotations to the rules by Committee staff.

Rep. McGuire moved that the Committee make a revised objection to Final Proposal 2014-66 as requested, with the understanding that the words "temperate habits" in Ph 803.01(c)(2) and Ph 805.01(a)(1) in the Objection Response will be replaced with "good moral character" as in the Final Proposal.

Rep. Schmidt seconded.

Adopted.

6. Since there was no other business, Rep. Schmidt moved that the Committee adjourn.

Sen. Lasky seconded.

Adopted.

The Committee adjourned at 9:50 a.m.