



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

DECEMBER 21, 2017

Members Present: Senators Reagan, Feltes, Avard, French, and Kahn, and Representatives McGuire, Schmidt, Graham, Ebel*, Matthews*, and Sytek*. (*) Indicates alternate member.

(**) Indicates where Part 1, Article 28-a of the N.H. Constitution was an issue in the Committee's discussions or decisions in this meeting. (See Item #6. However, that item was approved).

1. The meeting was convened at 9:03 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Feltes, Avard, and French, and Reps. McGuire, Schmidt, Graham, Ebel, Matthews, and Sytek.

Sen. Reagan designated Rep. Ebel and Rep. Matthews as alternates, respectively, for Sen. Kahn and Rep. Ladd, who were absent, and also designated Rep. Sytek as an alternate for Rep. Graham once he left the meeting.

2. The Committee discussed the minutes of the Committee meeting on November 16, 2017.

Rep. Schmidt moved that the minutes be approved with an amendment to Senator Feltes' motion on Item #14 relative to Final Proposal 2017-100 from the Pharmacy Board (New Hampshire Controlled Drug Prescription Health and Safety Program), by replacing the words "moved that the Committee conditionally approve Final Proposal 2017-100 on the ground that" with "moved that the Committee approve Final Proposal 2017-100 with the understanding that."

Sen. Feltes seconded.

Adopted.

3. The Committee discussed the following items on the Consent Agenda:

CONSENT AGENDA

2. Committee Approval of Final Proposals:

- | | |
|-------------|---|
| FP 2017-108 | BOARD OF EDUCATION
Science Teacher for Grades 5-8 |
| FP 2017-110 | BOARD OF EDUCATION
Earth and Space Science Teacher for Grades 7-12 |
| FP 2017-111 | BOARD OF EDUCATION
Life Science Teacher for Grades 7-12 |
| FP 2017-112 | BOARD OF EDUCATION
Chemistry Teacher for Grades 7-12 |

Action Minutes
December 21, 2017
Page 2

- FP 2017-113 BOARD OF EDUCATION
Physics Teacher for Grades 7-12
- FP 2017-114 BOARD OF EDUCATION
Physical Science Teacher for Grades 7-12
- FP 2017-136 BOARD OF AUCTIONEERS
Definition of Auctioneering
- FP 2017-137 BOARD OF AUCTIONEERS
Examination
- FP 2017-138 BOARD OF AUCTIONEERS
Conduct of Auction; Records
- FP 2017-139 DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
Reduction in Emission-Based Fees for Calendar Year 2017
- FP 2017-141 DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
Regulated Toxic Air Pollutants
- FP 2017-142 INSURANCE DEPARTMENT
Annual Privacy Notice to Customers Required
- FP 2017-144 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Transportation of Radioactive Material
- FP 2017-151 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Alternative Benefit Plan and Premium Assistance Program - Co-Payments

3. *Committee Conditional Approvals:*

- FP 2017-109 BOARD OF EDUCATION
Science Teacher; General Requirements
- FP 2017-130 LOTTERY COMMISSION
Fantasy Sports Contest
- FP 2017-133 INSURANCE DEPARTMENT
Credit Insurance
- FP 2017-150 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Birth Conditions Programs (BCP)
- INT 2017-28 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Division of Elderly and Adult Services
Nursing Facility Reimbursement

4. Committee Acceptance of Agency Responses to Objections:

OR 2017-48 DEPARTMENT OF SAFETY
 Commissioner
 Safe Boater Education Rules

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2; conditionally approve the Final Proposals in Item #3 based on the agencies' conditional approval requests or an amended request; and accept the amended objection response and approve the rules for the Objection Response in Item #4.

Rep. McGuire seconded.

After further discussion, Rep. McGuire moved that the motion be amended to add the following items from the Regular Agenda to the Consent Agenda for conditional approval based on the agencies' conditional approval requests:

9. BOARD OF MEDICAL IMAGING AND RADIATION THERAPY

FP 2017-92 Organizational Rules; Procedural Rules

12. DEPARTMENT OF HEALTH AND HUMAN SERVICES

FP 2017-153 Commissioner
 Drug Use Review Board

Rep. Schmidt seconded.

Adopted.

4. The Committee discussed Proposed Interim Rule INT 2017-27 from the Office of Strategic Initiatives (Governor's Scholarship Program). Jared Chicoine and Joseph Doiron testified for the Office.

The Office had submitted a conditional approval request in a letter and amended rule dated December 14, 2017.

Rep. McGuire moved that the Committee conditionally approve Proposed Interim Rule INT 2017-27 based on the request.

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Final Proposal 2017-91 from the Department of Environmental Services (Drinking Water Programs, Water Supply Land Protection Grant Program). Peter Demas testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated December 20, 2017.

Sen. Kahn arrived during the discussion of this item.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2017-91 based on the request, but with the understanding that the Department would submit the two forms "Application for Land Protection

Grant Eligibility” and a “Final Application for Land Protection Grant” to Committee staff for their review on behalf of the Committee when the forms are final and no longer in draft format.

Rep. Schmidt seconded.

Adopted. Rep. Graham voted “no”.

- **6. The Committee discussed Final Proposal 2017-143 from the Department of Environmental Services (Drinking Water Programs, Emergency Bulk Water Supply for Public Water System). Peter Demas testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2017-143.

Rep. McGuire seconded.

Adopted.

7. The Committee discussed Final Proposal 2017-106 from the Governing Board of Speech-Language Pathologists (Definitions; Ongoing Requirements; Direction and Supervision of Speech-Language Assistants; Scope of Tasks of Speech-Language Assistants). Robert Lamberti from the Office of Professional Licensure and Certification and Tina Kelley from the Office of Licensed Allied Health Professionals testified for the Board.

The Board had submitted a conditional approval request in a letter and amended rules dated December 19, 2017.

Rep. Schmidt moved that the Committee conditionally approve Final proposal 2017-106 based on the request.

Sen. Avard seconded.

Adopted.

8. The Committee discussed Final Proposal 2017-131 from the Public Utilities Commission (Electric Renewable Portfolio Standard Rules). David Wiesner and Karen Cramton testified for the Commission.

The Commission had submitted a conditional approval request in a letter and amended rules dated December 18, 2017.

Rep. Graham left the meeting during the discussion of this item. Rep. Sytek was now a voting member.

Sen. Feltes moved that the Committee postpone action on Final Proposal 2017-131 to the regular Committee meeting on January 19, 2018, with the understanding that an amended conditional approval request would be submitted.

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed the following Objection Responses pending from the Department of Safety.

13. DEPARTMENT OF SAFETY

- OR 2017-87 Commissioner
New Hampshire Fire Standards and Training and EMS Administrative Fee Rules
(JLCAR Deadline February 21, 2018.)
(Response due January 2, 2018 but not yet filed.)
- OR 2017-74 Commissioner
Licensure of Private Investigators, Security Guards, and Bail Recovery Agents
(JLCAR Deadline February 21, 2018.)
(Response due January 2, 2018 but not yet filed.)
- OR 2017-129 Commissioner
Transportation Network Company Rules
(JLCAR Deadline February 21, 2018.)
(Response due January 2, 2018 but not yet filed.)

Sen. Feltes moved that the Objection Responses be postponed to the regular Committee meeting on January 19, 2018.

Sen. Avarad seconded.

Adopted.

10. The Committee discussed the request by the Department of Revenue Administration to the Department of Revenue Administration to the Director of Legislative Services to make various editorial changes to its rules.

Sen. Feltes left the meeting at this time.

It was the consensus of the Committee to recommend that the requested changes be considered editorial.

11. The Committee discussed the continued Committee meeting scheduled for January 5, 2018.

It was the consensus of the Committee to cancel the continued meeting.

12. The Committee adjourned by consensus at 10:30 a.m.