



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

Action Minutes

JUNE 16, 2017

Members Present: Senators Reagan, Avard, Feltes, and French, and Representatives McGuire, Schmidt, Hatch, Graham, Gottling*, Ebel*, Matthews*, Ohm*, and Sytek.* (*) 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 9:02 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan were Sens. Avard and French and Reps. McGuire, Schmidt, Graham, Gottling, Ebel, and Matthews. Rep. Sytek was present but did not take a seat.

Sen. Reagan designated Rep. Ebel, Rep. Matthews, and Rep. Gottling as alternates, respectively, for Rep. Hatch, Rep. Ladd, and Sen. Kahn, who were absent.

2. The Committee discussed the minutes of the Committee meeting on May 19, 2017.

Rep. McGuire moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals and Proposed Interim Rules:

- | | |
|------------|--|
| FP 2017-27 | DEPARTMENT OF SAFETY
Commissioner
Repairer Service Vehicle Registration Rules |
| FP 2017-33 | DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Permit to Operate for Public Water Systems |
| FP 2017-37 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Radiation or MRI Machine Security Screening System Non-Medical |
| FP 2017-41 | DEPARTMENT OF SAFETY
Commissioner
Breath Alcohol Procedure Using the Intoxilyzer 5000 Instrument Rules |

- FP 2017-46 INSURANCE DEPARTMENT
Valuation of Life Insurance Policies
- FP 2017-55 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commissioner
Employment Related Child Care Eligibility
- FP 2017-56 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commissioner
Preventive and Protective Child Care Eligibility
- FP 2017-58 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commissioner
Child Care Provider Billing and Payment Requirements
- INT 2017-13 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commissioner
Foster Family Home Rate-Setting

3. *Committee Conditional Approvals:*

- FP 2016-126 DEPARTMENT OF HEALTH AND HUMAN SERVICES\
Former Division of Human Services
Asset Transfers, Undue Hardship Waivers for Asset Transfer Penalties or for Individuals with Substantial Home Equity, and Real Property Resources in the Medical Assistance Programs
- FP 2017-47 INSURANCE DEPARTMENT
Regulation of Third Party Administrators
- FP 2017-57 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commissioner
Child Care Provider Enrollment Requirements

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals and Proposed Interim Rule INT 2017-13 in Item #2 and conditionally approve the Final Proposals in Item #3 based on the agencies' conditional approval requests.

Sen. Avard seconded.

Adopted

4. The Committee discussed whether to postpone action on certain items to another meeting.

No action to postpone was taken at this time.

5. The Committee discussed Final Proposal 2017-36 from the Department of Safety (Restoration Fee Waiver Rules). David Hilts testified for the Department.

Sen. Feltes arrived in the meeting as the discussion on this item began.

Rep. Schmidt moved that the Committee approve Final Proposal 2017-36 with the recommendation that the Department seek legislative change to address the annotation by Committee staff to Saf-C 1502.02(a).

Sen. Feltes seconded for purposes of discussion.

The motion was adopted. It was noted by Sen. Reagan that Sen. French and Sen. Feltes voted "no".

6. The Committee discussed Final Proposal 2017-60 from the Fire Standards and Training Commission (New Hampshire Fire Standards and Training Commission Rules). David Hilts from the Department of Safety testified for the Commission.

The Commission had submitted a conditional approval request in a memo and amended rules dated June 15, 2017.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2017-60 as requested.

Sen. Avard seconded.

Adopted.

7. The Committee discussed Final Proposal 2017-64 from the Real Estate Commission (Licensing Requirements; Continued Status; Ethical Standards; Conduct of Licensees). Robert Lamberti and Rick Wisler from the Office of Professional Licensure and Certification testified for the Commission.

The Commission had submitted a conditional approval request in amended rules dated June 15, 2017.

Rep. Hatch arrived during the discussion of this item. Rep. Ebel was no longer a voting member.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2017-64 as requested.

Sen. Feltes seconded.

Adopted.

8. The Committee discussed the response by the Board of Auctioneers to the Committee's petition relative to amending Auc 203.20(d) on orders of disciplinary action and to clarify in the Board's rules the criteria for use of continuing education as a form of discipline pursuant to RSA 311-B:11, III(g).

It was the consensus of the Committee to take no further action.

9. The Committee discussed the continued meeting scheduled for June 30, 2017.

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

10. Rep. McGuire moved that the Committee adjourn.

Sen. Avard seconded.

Adopted.

The Committee adjourned at 9:30 a.m.