



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

**Action Minutes**

**SEPTEMBER 21, 2017**

**Members Present:** Senators Reagan, Feltes, and French, and Representatives Schmidt, Ladd, Hatch, Ebel\*, Gottling\*, 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 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Feltes and French and Reps. Schmidt, Ladd, Hatch, Gottling, Ebel, Matthews, Ohm, and Sytek.

Sen. Reagan designated Rep. Gottling, Rep. Matthews, Rep. Ohm, and Rep. Sytek as alternates, respectively, for Sen. Kahn, Rep. McGuire, Sen. Avard, and Rep. Graham, who were absent. Rep. Ebel was not a voting member at this time.

2. The Committee discussed the minutes of the Committee meeting on August 17, 2017.

Rep. Schmidt moved that the minutes be approved with amendments on page 5 to the language of the motions (1) to conditionally approve Final Proposal 2016-233 of the Public Utilities Commission so that the motion includes "the understanding that the effective date of the rules would be at least 60 days after filing the adopted rules," and (2) to conditionally approve Final Proposal 2017-72 of the Current Use Board so that the motion includes the ground that the words "for the tax year beginning on April 1, 2018" be inserted after the word "stewardship" in Cub 304.07 and Cub 304.08, after the word "land" in Cub 304.13, and after the word "wetland" in Cub 304.14.

Rep. Hatch seconded.

Sen. Avard arrived during the discussion of this item. Rep. Ohm was no longer a voting member.

The motion was adopted.

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

**CONSENT AGENDA**

***2. Committee Approval of Final Proposals and Proposed Expedited Repeals:***

- |            |  |
|------------|--|
| FP 2017-75 | DEPARTMENT OF ENVIRONMENTAL SERVICES<br>Air Related Programs<br>Standards Applicable to Certain New or Modified Facilities and Sources of Hazardous Air Pollutants |
| FP 2017-88 | DEPARTMENT OF REVENUE ADMINISTRATION<br>Tobacco Tax Stamps and Accounting Methods  |

- FP 2017-89     DEPARTMENT OF REVENUE ADMINISTRATION  
Communications Services Tax, Repealing Witness Requirement for Power of Attorney,  
Delivery of Power of Attorney
- FP 2017-104    DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Expiring Rules Related to Duration of Extensions, Participation in the NHEP Work  
Program, and Exemptions from Work Requirements, and Treatment of Resources, and  
Self-Employment Income for SNAP Allotment
- EXP 2017-9     BANKING DEPARTMENT  
Repeal of Rules Adopted Under RSA 394-A Powers of Banking Organizations
- EXP 2017-10    BANKING DEPARTMENT  
Repeal of Rules on Calculation of Bank Reserves

Rep. Schmidt moved that the Committee approve the Final Proposals and Proposed Expedited Repeals in the Consent Agenda, approve also Final Proposal 2017-59 from the Department of Environmental Services (Cross Program Rules, Waiver of Procurement Provisions), and conditionally approve Final Proposal 2017-83 from the Board of Education (Computer Science Educator), based on the Board's conditional approval request in amended rules dated September 21, 2017.

Rep. Hatch seconded.

Adopted.

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

Rep. Schmidt moved that the Committee postpone action on the following item, and that the Committee request a waiver of the Committee's deadline from the Director of the Office of Legislative Services:

**7. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

- (a) FP 2017-39    Commissioner  
New Hampshire Child Care Program Licensing Rules  
*(JLCAR Deadline September 21, 2017. Existing emergency rule will expire  
November 13, 2017.)*

Rep. Hatch seconded.

Adopted.

5. The Committee discussed Proposed Interim Rule INT 2017-21 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Approval and Operation of Community Mental Health Programs). Catherine Bernhard testified for the Department.

Sen. Feltes moved that the Committee approve Proposed Interim Rule INT 2017-21.

Rep. Ladd seconded.

Adopted.

6. The Committee discussed Final Proposal 2017-53 from the Board of Education (School Nurse Certification). Diana Fenton from the Department of Education and Jill Perlow from the Department of Justice testified for the Board.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2017-53 (1) on the ground that the Final Proposal be amended so that the words "application form" in Ed 504.07(b)(2)a., Ed 504.08(a)(1), and Ed 504.09(c)(2)a. be replaced with " 'School Nurse Specialist Certification Application' (9/21/17 edition)", (2) with the understanding that the Board would seek legislation in the upcoming session clarifying its authority to create the School Nurse I certification in Ed 504.07, and (3) with the recommendation that, when such legislation is filed, it be referred to the Education committees of the House and Senate in addition to any other committees to which it may be referred.

Rep. Hatch seconded.

Adopted. Sen. Reagan noted for the record that Sen. Feltes and Rep. Sytek voted "no".

7. The Committee discussed Final Proposal 2017-95 from the Insurance Department (Financing of Life Insurance Premiums). Heather Silverstein testified for the Department. Martha Mobley also represented the Department.

Sen. Feltes moved that the Committee approve Final Proposal 2017-95.

Rep. Schmidt seconded.

Adopted. Sen. Reagan noted for the record that Rep. Hatch voted "no".

8. The Committee discussed Final Proposal 2017-42 from the Department of Transportation (Prequalification of Contractors). Kathleen Mulcahy-Hampson and Deborah Weil testified for the Department.

The Department had submitted a conditional approval request in amended rules dated September 19, 2017.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2017-42 based on the request, with the further amendment to the "Prequalification Statement" form to add the following language between the current certification language and the signature on page 11 of the form: "I further certify that I am authorized to sign on behalf of the applicant."

Rep. Ladd seconded.

Adopted.

9. The Committee discussed Proposed Interim Rule INT 2017-17 from the Board of Septic System Evaluators (Certification Requirements for Applicants Applying for a License Pursuant to RSA 310-A:210, II-IV). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

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

Sen. Feltes moved that the Committee conditionally approve Proposed Interim Rule INT 2017-17 based on the request.

Sen. French seconded.

Adopted.

10. The Committee discussed the following Proposed Interim Rules from the Department of Corrections:
  - (a) INT 2017-18 Explanation of Adopted Rules; Waiver
  - (b) INT 2017-19 Operation and Management of Corrections Department Activities
  - (c) INT 2017-20 Classification

Christopher Kench testified for the Department.

Rep. Schmidt moved that the Committee approve Proposed Interim Rules 2017-18, 2017-19, and 2017-20 with the recommendation that the Department review HB 192 of the 2017 session, which was retained in committee.

Sen. Feltes seconded.

Adopted.

11. The Committee discussed the continued meeting scheduled for October 5, 2017.

It was the consensus of the Committee to cancel the meeting.
12. The Committee adjourned by consensus at 9:45 a.m.