



Action Minutes

March 19, 2021

Members Present: Senators Reagan, Gray, and Ward, and Representatives McGuire, Bershtein, Hatch, Schmidt, Doucette*, Rouillard*, Roy,* Schuett*, and Tucker*. (*) 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 as a Zoom webinar at 9:00 a.m. by Sen. Reagan as Chair. Administrative Rules Director Scott Eaton proceeded to read the script prepared by Committee staff regarding authorization for the Committee to meet remotely in accordance with the Governor’s Emergency Order #12 and pursuant to Executive Order 2020-4.
2. A roll call attendance was taken.

Members present remotely at this time, aside from Sen. Reagan, were Senator Ward, and Representatives McGuire, Bershtein, Hatch, Schmidt, Doucette, Rouillard, Roy, and Tucker.

Rep. Charlotte DiLorenzo attended as a visitor.

Sen. Reagan designated Rep. Doucette, Rep. Rouillard, and Rep. Tucker as alternates, respectively, for Rep. Lang, Sen. Whitley, and Sen. Prentiss, who were absent.

3. The Committee discussed the minutes of the Committee meeting on February 19, 2021.

Rep. Schmidt moved that the minutes be approved.

Rep. McGuire seconded.

Rep. Schuett arrived during the discussion of this item.

A roll call vote was called. The vote was as follows:

| | <u>Yes</u> | <u>No</u> |
|----------------|------------|-----------|
| Rep. Bershtein | X | |
| Rep. Hatch | X | |
| Rep. McGuire | X | |
| Rep. Schmidt | X | |
| Rep. Doucette | X | |
| Rep. Rouillard | -- | |
| Rep. Tucker | X | |
| Sen. Ward | -- | |
| Sen. Reagan | X | |

Rep. Rouillard and Sen. Ward abstained from voting because they were not present at the meeting on February 19. However, at this time Rep. Schuett, who was present at the meeting on February 19, was designated as an alternate for Sen. Whitley in place of Rep. Rouillard in order to maintain the priority of designation of alternates consistent with Committee rule 102.06. Rep. Schuett then voted “yes.”

The final vote was therefore 8 “yes” and zero “no”.

The motion was adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals and Proposed Expedited Revisions to Form:

- | | |
|-----------------|--|
| (a) FP 2020-88 | BOARD OF CHIROPRACTIC EXAMINERS Timeframe for Public Written Comments |
| (b) FP 2020-104 | CURRENT USE BOARD Assessment Ranges for Forest Land Categories, With and Without Stewardship; Unproductive Land and Wetland Categories |
| (c) EXRF 2021-3 | DEPARTMENT OF HEALTH AND HUMAN SERVICES Commissioner Expedited Revisions to 5 Licensure Survey Forms |

4. Committee Acceptance of Agency Responses to Objections:

- | | |
|----------------|---|
| OR EXRF 2021-1 | DEPARTMENT OF ENVIRONMENTAL SERVICES Wetlands Programs Expedited Revision to the "Seasonal Dock Notification for Lakes and Ponds" (JLCAR Deadline May 25, 2021.) |
|----------------|---|

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals and Proposed Expedited Revisions to Form EXRF 2021-3 in Item #2, and accept the response and approve the rules in Objection Response EXRF 2021-1 in Item #4.

Rep. Bershtein seconded.

Rep. Roy was designated as an alternate for Sen. Gray, who was absent.

A roll call vote was called. The vote was as follows:

| | <u>Yes</u> | <u>No</u> |
|----------------|------------|-----------|
| Rep. Bershtein | X | |
| Rep. Hatch | X | |
| Rep. McGuire | X | |
| Rep. Schmidt | X | |
| Rep. Doucette | X | |
| Rep. Schuett | X | |
| Rep. Roy | X | |
| Rep. Tucker | X | |
| Sen. Ward | X- | |
| Sen. Reagan | X | |

The vote was 10 "yes" and zero "no".

The motion was adopted.

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

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Rep. Schmidt moved that the Committee postpone action on the following item to the regular Committee meeting on April 16, 2021:

9. N. H. PHARMACY BOARD

FP 2020-53 Mail Order/Nonresident Pharmacies
(JLCAR Deadline April 26, 2021.)

Rep. Hatch seconded.

A roll call vote was called. The vote was as follows:

| | <u>Yes</u> | <u>No</u> |
|----------------|------------|-----------|
| Rep. Bershtein | X | |
| Rep. Hatch | X | |
| Rep. McGuire | X | |
| Rep. Schmidt | X | |
| Rep. Doucette | X | |
| Rep. Schuett | X | |
| Rep. Roy | X | |
| Rep. Tucker | X | |
| Sen. Ward | X- | |
| Sen. Reagan | X | |

The vote was 10 “yes” and zero “no”.

The motion was adopted.

6. The Committee discussed the response by the Department of Safety to the Committee’s preliminary objection to Final Proposal 2019-202 (Commissioner, Road Toll Administration Rules). Marta Modigliani and Scott Bryer testified for the Department.

The Department had submitted a request for approval with further amendments (amended objection response) on March 12, 2021.

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

Rep. Schmidt moved that the Committee approve the rules in the Amended Objection Response, but with the recommendation that (1) the Department submit to the Committee by its next meeting on April 16, 2021 a plan to assure the Committee that Department program staff would notify its rulemaking staff on when the Department’s forms need to be updated so that forms are not changed except pursuant to RSA 541-A:19-b and with notification to staff of the Office of Legislative Services, Administrative Rules, and (2) the Department seek legislative clarification to RSA 260:65-b relative to the scope of the exemption from RSA 541-A for rules enforcing the International Fuel Tax Agreement.

Rep. Hatch seconded.

A roll call vote was called. The vote was as follows:

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| | <u>Yes</u> | <u>No</u> |
|----------------|------------|-----------|
| Rep. Bershtein | X | |
| Rep. Hatch | X | |
| Rep. McGuire | X | |
| Rep. Schmidt | X | |
| Rep. Doucette | X | |
| Rep. Schuett | X | |
| Rep. Tucker | X | |
| Sen. Gray | X | |
| Sen. Ward | X | |
| Sen. Reagan | X | |

The vote was 10 “yes” and zero “no”.

The motion was adopted.

7. The Committee discussed Proposed Expedited Revisions to Agency Form EXRF 2021-2 from the Department of Health and Human Services (Commissioner, Expedited Revision to the “New Hampshire State Fire Code Compliance Report”).

Rep. McGuire moved that the Committee approve EXRF 2020-2.

Rep. Hatch seconded.

A roll call vote was called. The vote was as follows:

| | <u>Yes</u> | <u>No</u> |
|----------------|------------|-----------|
| Rep. Bershtein | X | |
| Rep. Hatch | X | |
| Rep. McGuire | X | |
| Rep. Schmidt | X | |
| Rep. Doucette | X | |
| Rep. Schuett | X | |
| Rep. Tucker | X | |
| Sen. Gray | X | |
| Sen. Ward | X | |
| Sen. Reagan | X | |

The vote was 10 “yes” and zero “no”.

The motion was adopted.

8. The Committee discussed Final Proposal 2020-107 from the Office of Professional Licensure and Certification (OPLC Rules Governing General Fees, Credit Card Fees, and Professional Health Program Fees). Thomas Broderick testified for the OPLC.

Rep. Hatch moved that the Committee approve Final Proposal 2020-107.

Rep. McGuire seconded.

After further discussion Rep. McGuire moved that the Committee conditionally approve Final Proposal 2020-107 so that copies on a thumb drive be charged \$1.00.

There was no second.

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Rep. Hatch amended his motion instead to move that the Committee conditionally approve Final Proposal 2020-107 on the condition that Final Proposal 2020-107 be amended by inserting language in Table 1000.1 in Plc 1001.01 under "CATEGORY" in the Table as follows: "*Providing electronic documents by means of a portable data storage device, such as a flash drive*" and under "FEES" in the Table, inserting the following: "*Actual cost*".

Rep. McGuire amended her second.

A roll call vote was called. The vote was as follows:

| | <u>Yes</u> | <u>No</u> |
|----------------|------------|-----------|
| Rep. Bershtein | X | |
| Rep. Hatch | X | |
| Rep. McGuire | X | |
| Rep. Schmidt | X | |
| Rep. Doucette | X | |
| Rep. Schuett | X | |
| Rep. Tucker | X | |
| Sen. Gray | X | |
| Sen. Ward | X- | |
| Sen. Reagan | X | |

The vote was 10 "yes" and zero "no".

The motion was adopted.

9. The Committee discussed Final Proposal 2021-2 from the Office of Professional Licensure and Certification (Changes to Body Art Rules). Thomas Broderick testified for the OPLC.

Rep. McGuire moved that the Committee approve Final Proposal 2021-2.

Rep. Hatch seconded.

A roll call vote was called. The vote was as follows:

| | <u>Yes</u> | <u>No</u> |
|----------------|------------|-----------|
| Rep. Bershtein | X | |
| Rep. Hatch | X | |
| Rep. McGuire | X | |
| Rep. Schmidt | X | |
| Rep. Doucette | X | |
| Rep. Schuett | X | |
| Rep. Tucker | X | |
| Sen. Gray | X | |
| Sen. Ward | X- | |
| Sen. Reagan | X | |

The vote was 10 "yes" and zero "no".

The motion was adopted.

10. The Committee discussed the continued meeting scheduled for April 2, 2021.

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

11. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 10:15 a.m.