



**Action Minutes**

**May 21 , 2021**

**Members Present:** Senators Reagan, Gray, Prentiss, Ward, and Whitley, and Representatives McGuire, Bershtein, Lang, Schmidt, 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. Senior Committee Attorney Michael Morrell 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 Senators Gray, Prentiss, Ward, and Whitley, and Representatives McGuire, Bershtein, Lang, Schmidt, Schuett, and Tucker.

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

3. The Committee discussed the minutes of the Committee meeting on April 16, 2021.

Rep. Schmidt moved that the minutes be approved with an amendment to Item #14 of the minutes to change the adjournment time from “10:06 p.m.” to “10:06 a.m.”.

Sen. Ward seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Rep. Lang	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “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 Proposal, Proposed Interim Rule, and Proposed Expedited Revisions to Form:*

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- (a) FP 2021-12 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Air Related Programs  
Standards Applicable to Certain New or Modified  
Facilities and Sources of Hazardous Air Pollutants
- (b) INT 2021-1 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Wetlands Programs  
Registration of Legally Existing  
Docking Structures in Non-Tidal Waters
- (c) EXRF 2021-6 DEPARTMENT OF SAFETY  
Commissioner  
New Hampshire Bureau of EMS  
Provider License Application

**3. Committee Conditional Approvals:**

- (a) FP 2021-21 DEPARTMENT OF SAFETY  
Commissioner  
Permits for Hospital Emergency Lights

Sen. Prentiss moved that the Committee approve the Consent Agenda, that is, approve the Final Proposal, Proposed Interim Rule, and Proposed Expedited Revisions to Form in Item #2, and conditionally approve Final Proposal 2021-21 in Item #3 based on the agency's conditional approval request.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Lang	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

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

The motion was adopted.

- 5. The Committee discussed Final Proposal 2021-3 from the Department of Agriculture, Markets, and Food (Cost of Care).

Rep. McGuire moved that the Committee approve Final Proposal 2021-3.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Lang	X	

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Rep. McGuire	X
Rep. Schmidt	X
Rep. Schuett	X
Sen. Gray	X
Sen. Prentiss	X
Sen. Ward	X
Sen. Whitley	X
Sen. Reagan	X

The vote was 10 “yes” and zero “no”.

The motion was adopted.

6. The Committee discussed Final Proposal 2021-19 (Housing Appeals Board Organizational Rules and Rules of Procedure) and Final Proposal 2021-20 (Housing Appeals Board Rules on Fees) from the Housing Appeals Board.

The Board had submitted conditional approval requests in amended rules dated May 14, 2021 for both Final Proposal 2021-19 and Final Proposal 2021-20.

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2021-19 and Final Proposal 2021-20 based on the comments to each Final Proposal by the Committee staff, except for the comment about the remote hearing, but with the understanding that the amended rules in the objection responses would also address the comments made by Committee staff to the conditional approval requests.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Lang	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

7. The Committee discussed Final Proposal 2020-106 from the Department of Health and Human Services (Commissioner, Therapeutic Cannabis Program—Registry Rules). Michael Holt testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated May 14, 2021.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2020-106 based on the request.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Lang	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

8. The Committee discussed an emergency rule filed in Document #13206, effective May 14, 2021, by the Department of Health and Human Services (Former Division of Public Health Services, Rules for Hospitals). Mellissa St. Cyr testified for the Department.

No further action was taken.

9. The Committee discussed Final Proposal 2020-103 from the Real Estate Appraiser Board (Appraiser Qualification Criteria, Educational Requirements for Certification/Licensure).

Sen. Gray moved that the Committee approve Final Proposal 2020-103.

Sen. Ward seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Lang	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

10. The Committee discussed Final Proposal 2021-8 from the Board of Medicine (Physician Assistants).

Sen. Gray moved that the Committee postpone action on Final Proposal 2021-8 to the next regular Committee meeting on June 18, 2021.

Sen. Prentiss seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Lang	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

11. The Committee discussed the response by the N. H. Pharmacy Board to the Committee’s preliminary objection to Final Proposal 2020-53 (Mail Order/Nonresident Pharmacies). Thomas Broderick from the Office of Professional Licensure and Certification testified for the Board.

Thomas Broderick requested a revised objection based on the grounds as outlined in the Committee staff comments to the amended rules in the preliminary objection response.

Rep. Schmidt moved that the Committee make a revised objection to Final Proposal 2020-53 as requested.

Rep. Bershtein seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Lang	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

12. The Committee discussed Final Proposal 2021-22 from the Fish and Game Department (Wildlife Seasons Biennial Rulemaking). Paul Sanderson testified for the Department.

The Department had requested a conditional approval in amended rules dated May 13, 2021.

Weldon Bosworth, representing the New Hampshire Wildlife Coalition, also testified. Mr Bosworth and other members of the public had also provided written testimony prior to the meeting.

Rep. Lang moved that the Committee conditionally approve Final Proposal 2021-22 based on the Department’s request.

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Rep. Bershtein seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Bershtein	X	
Rep. Lang	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Ward	X	
Sen. Whitley	X	
Sen. Reagan	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

13. The Committee discussed the continued meeting scheduled for June 4, 2021.

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

14. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 9:45 a.m.