NEW HAMPSHIRE
RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES
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VOLUME XXXIII, Number 9, February 28, 2013

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NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

CONTINUED MEETING Previously Scheduled for March 1, 2013 Has Been Cancelled

REGULAR MEETING: **Friday, March 15, 2013** 9:00 a.m.
Rooms 305/307, Legislative Office Building

JLCAR MEETING DATES AND RELATED FILING DEADLINES MARCH-JUNE, 2013

The JLCAR has voted to hold its regularly scheduled meetings for March through June, 2013 on the third Friday of the month as listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Fridays to address items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
March 1	**March 15**	April 5
April 5	**April 19**	May 3
May 3	**May 17**	June 7
June 7	**June 21**	June 28

Notices of Proposed Rules

Notice Number	Rule Number	Agency and Short Title of Rule	Page No.
2013-17	Rab 306.01(h)-(j)	Real Estate Appraiser Board Real Estate Appraiser Board Rules Regarding Renewal Fees.	1
2013-18	Env-A 1100	Department of Environmental Services Air Related Programs Prevention, Abatement, and Control of Mobile Source Air Pollution.	3
2013-19	Ac 302.02(a)(4) & 304.03(a)(4)	Board of Accountancy Board of Accountancy Rules Regarding Educational Qualifications.	5

JLCAR MEETING DATES AND RELATED FILING DEADLINES JULY-DECEMBER, 2013

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2013 on the third Thursdays listed below. The minimum 14-day "deadline" prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
July 3 (Wednesday)	**July 18**	August 1
August 1	**August 15**	September 5
September 5	**September 19**	October 3
October 3	**October 17**	November 7
November 7	**November 21**	December 5
December 5	**December 19**	None

Notice Number 2013-17 Rule Number Rab 306.01 (h)-(j)

1. Agency Name & Address:

Real Estate Appraiser Board
NH Joint Board
57 Regional Drive
Concord NH 03301

2. RSA Authority: RSA 310-B:24, VI, RSA 310-B:5, II

3. Federal Authority: 12 U.S.C. 3338

4. Type of Action:

Adoption ____
Amendment X
Repeal ____
Readoption ____
Readoption w/amendment ____

5. Short Title: Real Estate Appraiser Board rules regarding renewal fees.

6. (a) Summary of what the rule says and of any proposed amendments:

In a new paragraph Rab 306.01 (i) the biennial renewal fee is being prorated to accommodate individuals licensed or certified as a Real Estate Appraiser less than 24 months in a biennial renewal period.

Existing paragraph Rab 306.01 (h) specifies the biennial renewal fee and is being readopted with an amendment to delete the word "and". Existing paragraph Rab 306.01 (i) which specifies the late fee is being readopted and renumbered as Rab 306.01 (j).

6. (b) Brief description of the groups affected:

Licensed or Certified Real Estate appraisers.

6 (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATUTE
Rab 306.01 (h)-(j)	RSA 310-B:5, II; RSA 310 - B:20; RSA 310-B:21; RSA 310-B:24, VI, 12 U.S.C. 3338

NN 2013-17 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Louise Lavertu
Address: NH Joint Board
57 Regional Drive
Concord NH 03301

Title: Executive Director
Phone #: 603-271-2219
Fax#: 603-271-7928
E-mail: llavertu@nhsa.state.nh.us
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: Friday, April 5, 2013 at the conclusion of the hearing.

☒Fax ☒E-mail ☐Other format (specify):

9. Public hearing scheduled for:

Date and Time: Friday, April 5, 2013 at 9:30 a.m.

Place: NH Joint Board, 57 Regional Drive
Concord NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 13:013 , dated 2/19/13

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
There is no difference in cost when comparing the proposed rule to the existing rules.

2. Cite the Federal mandate. Identify the impact on state funds:
No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:
None.

B. To State citizens and political subdivisions:
None.

C. To independently owned businesses:
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-A of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.

Notice Number	2013-18	Rule Number	Env-A 1100

1. Agency Name & Address:	2. RSA Authority: RSA 125-C:4, I(a)
	3. Federal Authority: N/A
NH Department of Environmental Services 29 Hazen Drive P.O. Box 95 Concord, NH 03302-0095	4. Type of Action: Adoption ____ Amendment ____ Repeal ____ Readoption ____ Readoption w/amendment X

5. Short Title: Prevention, Abatement, and Control of Mobile Source Air Pollution

6. (a) Summary of what the rule says and of any proposed amendments:

The existing rules, Env-A 1100, regulate emissions from motor vehicles pursuant to RSA 125-C:6, XII. The rules are proposed to be readopted because they are scheduled to expire on March 26, 2013.* In the proposed rules, the Diesel Opacity Standards are being deleted, as they are now under the authority and jurisdiction of the Department of Safety pursuant to RSA 266:59-c and Saf-C 5800. No other changes to the substance of the existing rules are proposed. Non-substantive changes include the consolidation of redundant sections and the conversion of the narrative idling standards to a table format so they are easier to discern.

The proposed rules will be clearer than the existing rules, which will benefit anyone who is using the rules. Readopting these rules will benefit public health and the environment by controlling the emissions from mobile sources (cars, trucks, buses, *etc.*). Mobile sources are major generators of air pollution and are, in fact, one of the largest sources of major air pollutants such as hydrocarbons or volatile organic compounds (VOCs), nitrogen oxides (NOx), and carbon monoxide (CO). In the United States, motor vehicles are responsible for up to half the smog-forming VOCs and NOx; they release more than 50 percent of the hazardous air pollutants; and they emit up to 90 percent of the CO found in urban air. In addition to NOx and VOC emissions, motor vehicles create approximately one-third of all carbon dioxide (CO_2) emissions in the United States. CO_2 emissions from burning fossil fuels are a significant contributor to global warming and climate change. Motor vehicle emissions also contribute to ambient levels of air toxics known or suspected as human or animal carcinogens, or that have noncancer health effects. Noncancer health effects can result from exposures to air toxics, and include neurological, cardiovascular, liver, kidney, and respiratory effects as well as effects on the immune and reproductive systems.

***Pursuant to RSA 541-A:14-a, I, the existing rules will continue in effect until the proposed rules are adopted and effective, subject to certain exceptions that the Department does not expect to occur.**

6. (b) Brief description of the groups affected:

The rules affect owners and operators of motor vehicles.

6. (c) Specific section(s) of state statute or federal statute or regulation which the rule is intended to implement:

Rule Section(s)	State Statute Implemented
Env-A 1101	RSA 125-C:6, XII
Env-A 1102	RSA 125-C:6, XII

NN 2013-18 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	Karla McManus	Title:	Planning and Rules Manager
Address:	NH Dept. of Environmental Services 29 Hazen Drive; P.O. Box 95 Concord, NH 03302-0095	Phone #: Fax#: E-mail:	(603) 271-6854 (603) 271-1381 Karla.McManus@des.nh.gov

The rules also can be viewed in PDF at http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **4:00 pm on Tuesday, April 9, 2013**

☒Fax ☒E-mail ☐Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, April 2, 2013 at 1:00 pm**

Place: **Room 112, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS # 13:014 , dated 02/20/13 :

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**
   There is no difference in cost when comparing the proposed rules to the existing rules.
2. **Cite the Federal mandate. Identify the impact on state funds:**
   No federal mandate, no impact on state funds.
3. **Cost and benefits of the proposed rule(s):**
   - **A. To State general or State special funds:**
     None
   - **B. To State citizens and political subdivisions:**
     None
   - **C. To independently owned businesses:**
     None

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

There are no costs associated with the proposed rules. The requirement to have and maintain emissions control equipment is established in state statute (RSA 266:59-b), and compliance with the requirement to limit idling time will reduce the amount of money spent on fuel. Thus, although most political subdivisions own and operate motor vehicles, the proposed rules do not violate Part I, Article 28-a of the New Hampshire Constitution because they do not assign any new, modified, or expanded programs or responsibilities to political subdivisions of the state in such a way as to necessitate local expenditures.

Notice Number 2013-19

Rule Number Ac 302.02 (a) (4) and Ac 304.03 (a) (4)

1. Agency Name & Address:

Board of Accountancy
NH Joint Board
57 Regional Drive
Concord NH 03301

2. RSA Authority: RSA 309-B:4, VIII (c)
3. Federal Authority:
4. Type of Action:
Adoption
Amendment X
Repeal
Readoption
Readoption w/amendment

5. Short Title: Board of Accountancy rules regarding educational qualifications.

6. (a) Summary of what the rule says and of any proposed amendments:

Existing paragraph Ac 302.02 (a) (4) specifies the educational requirement for certification for new candidates for certification as a Certified Public Accountant and is being readopted with an amendment to change the number of hours required in accounting from 48 hours to 30 hours.

Existing paragraph Ac 304.03 (a) (4) specifies the educational requirement for reciprocity candidates for certification as a Certified Public Accountant and is being readopted with an amendment to change the number of hours required in accounting from 48 hours to 30 hours.

6. (b) Brief description of the groups affected:

Candidates for certification as a Certified Public Accountant.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

RULE	STATUTE
Ac 302.02 (a) (4)	RSA 309-B:4, VIII (c), RSA 309-B:5, III (c)
Ac 304.03 (a) (4)	RSA 309-B:4, VIII (c), RSA 309-B:5, III (c)

NN 2013-19 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: Louise Lavertu
Address: NH Joint Board
57 Regional Drive
Concord NH 03301

Title: Executive Director
Phone #: 603-271-2219
Fax#: 603-271-7928
E-mail: llavertu@nhsa.state.nh.us
TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: Monday, April 29, 2013 at the conclusion of the hearing.

☒Fax ☒E-mail ☐Other format (specify):

9. Public hearing scheduled for:

Date and Time: Monday, April 29, 2013 at 9:30 a.m.

Place: NH Joint Board, 57 Regional Drive
Concord NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 13:015 , dated 2/22/13

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
When compared to existing rules, the proposed rules may decrease costs to state citizens by an indeterminable amount.

2. Cite the Federal mandate. Identify the impact on state funds:
No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:
None.

B. To State citizens and political subdivisions:
The proposed rules decrease accounting course hours required for certification from 48 to 30 hours. To the extent citizens seek Certified Public Accountant certification, these proposed rules may decrease costs to the candidate.

C. To independently owned businesses:
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

These rules do not violate Part I, Article 28-A of the New Hampshire Constitution. These rules do not mandate or assign this program to any political subdivision in any way.

EXTENSION OF PUBLIC COMMENT DEADLINE

Notice Number **2013-2** Rule Number **He-W 652.07(j) – (r)**

1. Agency Name & Address:

Dept. of Health and Human Services
Division of Family Assistance
129 Pleasant St., Brown Building
Concord, NH 03301

2. RSA Authority: **RSA 167:3-c, I**
3. Federal Authority:
4. Type of Action:
   - Adoption ____
   - Amendment **X**
   - Repeal ____
   - Readoption ____
   - Readoption w/amendment ____

5. Short Title: **Aid to the Permanently and Totally Disabled (APTD) Cash Assistance Grant Eligibility Criteria When the APTD Applicant or Recipient is Ineligible for Federal Benefits**

6. In accordance with RSA 541-A:11, III, the public comment deadline for this proposed rule has been extended past its scheduled date for which notice appeared in the Rulemaking Register on **1/17/2013** under Notice Number **2013-2**.

7. New deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **The former deadline was 2/14/13 and the new deadline is 3/28/13, which reopens this rule for public comment.**

☒Fax ☒E-mail ☐Other format (specify):

8. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name:	**Michele Beasley**	Title:	**Rules Coordinator**
Address:	**Dept. of Health and Human Services** **Administrative Rules Unit** **129 Pleasant St., Brown Building** **Concord, NH 03301**	Phone #:	**271-9233**
		Fax#:	**271-5590**
		E-mail:	**mbeasley@dhhs.state.nh.us**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH) or

http://www.dhhs.nh.gov/oos/aru/comment.htm

SPECIAL NOTICE

AGENCY MODIFICATION STATEMENT FOR PROPOSED EFFECTIVE DATE

Pursuant to RSA 541-A:14, IV, the following statement has been filed by the Director of the Division of Personnel of the Department of Administrative Services relative to modifying the proposed effective date of March 1, 2013 to a new date of March 18, 2013 for adopted rules of the Division of Personnel filed under Document #10238 (Final Proposal 2012-119) and Document #10239 (Final Proposal 2012-120).

These rules were first listed in the "Notice of Adopted Rules" on page 34 of the *Rulemaking Register* published on December 13, 2012. A special notice modifying the proposed effective date from February 1, 2013 to March 1, 2013 had subsequently been published on page 8 of the *Rulemaking Register* published on January 17, 2013. As organizational rules the rules in Document #10238 do not expire except pursuant to RSA 541-A:17, II. The new expiration date for Document #10239 will be 3-18-23.

State of New Hampshire
DIVISION OF PERSONNEL
Department of Administrative Services
State House Annex – 25 Capitol Street
Concord, New Hampshire 03301

LINDA M. HODGDON
Commissioner
(603) 271-3201

KAREN D. HUTCHINS
Director
(603) 271-3261

February 21, 2013

Jill K. Sieveking, Acting Director
Office of Legislative Services
Attn: Administrative Rules
State House Annex – Room 219
Concord, NH 03301

Re: Per Rules Amendments, Nos. 2012-119 and 2012-120

Dear Ms. Sieveking:

On December 3, 2012 I filed certified copies of amendments to Chapter Per 101.04, 102.06, 102.32, 102.39, 102.57 and 102.70, and amendments to various sections of Chapter Per 300, 400, 600, 900, 1100, 1200, and 1501.03 (a)(1)-(9), which were approved by JLCAR on November 15, 2012 and adopted by me on November 30, 2012. At that time I indicated that the effective date of the rule changes in final proposals 2012-119 and 2012-120 would be February 1, 2013. By notice in the *New Hampshire Rulemaking Register* of January 17, 2013, that effective date was extended to March 1, 2013. However, due to adjustments in the schedule for the implementation of the State's human resources management system, these rules will take effect on March 18, 2013.

Sincerely,

Karen D. Hutchins

Karen D. Hutchins, Director
Division of Personnel

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