



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

ROOM 219, STATE HOUSE ANNEX

25 CAPITOL STREET

CONCORD, NEW HAMPSHIRE 03301-6312

Tel. (603) 271-3680

Website: www.gencourt.state.nh.us/rules/index.html

TDD Access:

Relay NH 1-800-735-2964

Fax (603) 271-7871

VOLUME XXXVII, Number 25, June 22, 2017

TABLE OF CONTENTS

	<u>Page No.</u>
1. <u>OFFICE OF LEGISLATIVE SERVICES</u>	
a. List of Notices of Proposed Rules NN 2017-83 through NN 2017-84 and Proposed Expedited Repeal EXP 2017-5	-i-
b. Notices of Proposed Rules	1

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 June 30, 2017 Has Been Cancelled

REGULAR MEETING: **Thursday, July 20, 2017 9:00 a.m.**
Rooms 306/308, Legislative Office Building

See 2017 JLCAR Meeting dates and deadlines on page i.

NOTICE

PAID SUBSCRIPTIONS TO THE RULEMAKING REGISTER WILL EXPIRE JUNE 30th.

The subscription cost for the Register in paper format is \$80 for a one-year subscription (July 1, 2017 - June 30, 2018). To renew a subscription for the paper format a subscriber must use the enclosed subscription renewal form. Checks should be made payable to: "Treasurer, State of New Hampshire" and mailed to: Office of Legislative Services, Administrative Rules, State House Annex, 25 Capitol Street, Room 219, Concord, NH 03301.

**PURSUANT TO NH RSA 541-A, STATE AGENCIES, LEGISLATORS, AND MUNICIPALITIES
ARE EXEMPT AND RECEIVE THE RULEMAKING REGISTER FREE OF CHARGE.**

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2017-83	Ed 505.05(a) intro., (a)(1), & (a)(2) various, 507.52, 612.33	Board of Education Educator in Computer Science.	1
2017-84	Fis 603.09, 603.25, 807.15	Fish and Game Department Groundfish Restriction, Bluefin Tuna, and Protection of Aquaculture Gear and Product.	3

Notices of Proposed Expedited Repeals

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2017-5	Ban 500 various	Banking Department Repeal of Rules Adopted Under RSA 394-A Granting State-Chartered Financial Institutions Powers of Corresponding Federally-Chartered Financial Institutions.	5

**JLCAR MEETING DATES AND RELATED FILING DEADLINES
JULY-DECEMBER, 2017**

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2017 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 6	July 20	August 3
August 3	August 17	August 31
September 7	September 21	October 5
October 5	October 19	November 2
November 2	November 16	December 7
December 7	December 21	None

Notice Number

2017-83

Rule Number

Ed 505.05(a) intro., (a)(1),
& (a)(2) (various);
Ed 507.52; Ed 612.33

1. Agency Name & Address:

State Board of Education
c/o Department of Education
101 Pleasant Street
Concord, NH 03301

2. RSA Authority:

RSA 21-N:9, II(s);
RSA 186:11, X

3. Federal Authority:

4. Type of Action:

Adoption X Amendment X Repeal Readoption Readoption w/amendment 5. Short Title: **Educator in Computer Science**

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

Ed 505.05 addresses the alternative 5 pathway to certification (site-based certification plan), and paragraph (a) specifies the conditions for certification. Ed 505.05(a)(2) is being amended to provide in (a)(2)d. the details specific to the computer science educator's alternative 5 pathway to certification. Ed 507.52 is a new rule being adopted to provide the criteria for obtaining an educator certificate in computer science, and Ed 612.33 is a new rule being adopted to provide the requirements for a computer science teacher preparation program.

Ed 505.05 (a)(2) is being amended in another rulemaking proceeding to insert (a)(2)c. relative to school nurses.

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

Educators, institutes of higher education, and local school districts are affected by this rule.

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

Rule	Statute
Ed 505.05(a) intro., (a)(1), (a)(2) intro., (a)(2) a., b., & d.	RSA 21-N:9, II(s)
Ed 507.52	RSA 21-N:9, II(s); RSA 186:11, X
Ed 612.33	RSA 21-N:9, II(r)

NN 2017-83 Continued

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

Name: **Amanda Phelps** Title: **Program Assistant III**
Address: **101 Pleasant Street** Phone #: **(603) 271-2408**
Concord, NH 03301 Fax#: **(603) 271-4134**
E-mail: **Amanda.Phelps@doe.nh.gov**
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: **July 21, 2017**

☒ Fax

☒ E-mail

☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **July 13, 2017 at 11:00 a.m.**

Place: **State Board Room, Department of Education**
101 Pleasant Street, Concord, NH 03301

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

FIS # 17:072, dated 5/30/17

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.
Not applicable to Ed 507.52 or Ed 612.33 as these are new 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:

Relative to Part I, Article 28-a of the NH Constitution, there are no added costs for these proposed rules to the state or to political subdivisions. These rules provide the requirements for the credentialing and educator preparation program approval processes. These processes are already in place. The credentialing and program approval procedures are self-funded activities of the NH Department of Education from the credentialing fee revenues. Therefore, there is no violation of Part I, Article 28-a.

Notice Number 2017-84Rule Number Fis 603.09, 603.25, 807.15

1. Agency Name & Address: NH Fish and Game Department 11 Hazen Drive Concord, NH 03301	2. RSA Authority: <u>211:62, II; 211:62-e, II-a</u>
	3. Federal Authority: <u>none</u>
	4. Type of Action:
	Adoption <u>xx</u>
	Amendment <u> </u>
	Repeal <u> </u>
	Readoption <u> </u>
	Readoption w/amendment <u>xx</u>

5. Short Title: **Groundfish Restrictions, Bluefin Tuna, and Protection of Aquaculture Gear and Product**

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

This proposal readopts with amendment Fis 603.09 to change restrictions on the taking of the groundfish species cod and haddock by prohibiting the recreational taking of cod, reducing the open season for the taking of haddock, and reducing the daily limit for taking of haddock from 15 fish to 12 fish. The proposal adopts a new rule, Fis 603.25, establishing state restrictions on the taking of bluefin tuna to be consistent with federal regulations. The proposal readopts with amendment Fis 807.15 on the protection of aquaculture gear and product to prohibit the taking or possession of product from aquaculture sites marked with yellow buoys.

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

The proposal affects all licensed commercial and recreational take of cod and haddock, and all licensed commercial and recreational take of bluefin tuna. The proposal also protects all licensed aquaculture operators from interference with their gear and product.

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

Rule(s)	State Statute (RSA)
Fis 603.09	RSA 211:62, II
Fis 603.25	RSA 211:62, II
Fis 807.15	RSA 211:62-e

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

Name: **Paul G. Sanderson, Esq.**
Address: **11 Hazen Drive
Concord, NH 03301**

Title: **Legal Coordinator**
Phone #: **603-271-1136**
Fax#: **603-271-1438**
E-mail: **comments@wildlife.nh.gov**

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

NN 2017-84 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Tuesday August 1, 2017**

☒ Fax☒ E-mail☐ Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Tuesday, July 25, 2017 at 7:00 PM**

Place: **Urban Forestry Center, Elwyn Road, Portsmouth NH 03801**

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

FIS # 17:078, dated 06/07/17

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 existing rules. Not applicable to Fis 807.15 as this is a new rule.

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:

The proposal does not impose any programs, responsibilities, or administrative duties upon any political subdivision of the state, and thus does not violate the NH Constitution, Part I, Article 28-a.

Proposed Expedited Repeal Number	2017-5	Rule Number	Ban 500 various
----------------------------------	--------	-------------	-----------------

1. Agency Name & Address: NH Banking Department 53 Regional Drive Suite 200 Concord, NH 03301	2. RSA Authority: RSA 383:9, VI; RSA 383-B:1-104; RSA 383-C:1-104; RSA 383-E:1-104 3. Federal Authority:
---	--

4. Short Title: **REPEAL OF RULES ADOPTED UNDER RSA 394-A GRANTING STATE-CHARTERED FINANCIAL INSTITUTIONS POWERS OF CORRESPONDING FEDERALLY- CHARTERED FINANCIAL INSTITUTIONS**

5. Explanation of the reason for the proposed repeal:

The rules proposed to be repealed are listed below and were adopted pursuant to RSA 394-A which was repealed by RSA 383-B:3-301(c), 2015, N.H. Laws Ch. 272:52, XXVIII, eff. October 1, 2015. These rules are no longer required.

Ban 510.01 on definitions for Ban 510, Ban 510.03 on investments in service corporations under Ban 510, and Ban 510.06 on investment in a national credit union central liquidity facility are still in effect and are not being repealed at this time.

Ban 510.07 on loans and lines of credit to members expired December 6, 1995 and Ban 510.09 on credit union banking expired November 11, 2013.

Rules to be repealed:

- PART Ban 501 FORMAT AND PROCEDURES FOR PETITIONING OF COMMISSIONER
- PART Ban 502 DEPOSITS OF PUBLIC MONEY IN THRIFT INSTITUTIONS
- PART Ban 503 COMMERCIAL, CORPORATE OR BUSINESS LOANS OF THRIFT INSTITUTIONS
- PART Ban 505 TRUST POWERS OF THRIFT INSTITUTIONS
- PART Ban 506 SALE OF FEDERAL FUNDS BY STATE CHARTERED CREDIT UNIONS
- PART Ban 508 INVESTMENTS OF THRIFT INSTITUTIONS IN SERVICE CORPORATIONS
- PART Ban 509 VOTING PROXIES IN CONVERSION OF MUTUAL BANKS TO STOCK BANKS (CO-OPERATIVE BANKS)
- PART Ban 510 CREDIT UNION POWERS
 - Ban 510.02 Investments in Corporate Central Credit Unions
 - Ban 510.04 Discounting Notes
 - Ban 510.05 Sale or Purchase of Assets
 - Ban 510.08 Supervisory Committee
- PART Ban 511 DIVIDENDS AND INTEREST PAID BY THRIFT INSTITUTIONS
- PART Ban 512 DEPOSITS IN FINANCIAL INSTITUTIONS
- PART Ban 513 DISTRIBUTION OF PROFITS AND DIVIDENDS BY STATE-CHARTERED THRIFT INSTITUTIONS (COOPERATIVE BANKS)
- PART Ban 514 INTERSTATE LENDING AUTHORITY
- PART Ban 515 RECEIPT OF FUNDS FROM OTHER CREDIT UNIONS
- PART Ban 516 SERVICE CHARGES ON SAVINGS ACCOUNTS OF STATE CHARTERED THRIFT INSTITUTIONS (BUILDING AND LOAN ASSOCIATIONS AND/OR CO-OPERATIVE BANKS)

EXP 2017-5 Continued*(Item 5. continued)*

PART Ban 517 CORPORATE TITLE OF THRIFT INSTITUTIONS
PART Ban 519 REQUIREMENTS AND PROCEDURES FOR CONVERSIONS OF MUTUAL SAVINGS BANKS AND ASSOCIATIONS TO STOCK FORM
PART Ban 520 REQUIREMENTS AND PROCEDURES FOR RETAIL SALES OF MUTUAL FUNDS AND OTHER UNINSURED PRODUCTS
PART Ban 522 REAL ESTATE LENDING STANDARDS
PART Ban 523 NATIONAL BANK POWERS
PART Ban 524 AFFILIATE AGENCY POWERS
PART Ban 525 FEDERAL SAVINGS ASSOCIATION POWERS
PART Ban 526 FEDERAL CREDIT UNION POWERS

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

Name:	Doreen Sheppard	Title:	Paralegal II
Address:	NH Banking Department 53 Regional Drive Concord, NH 03301	Phone #:	603-271-3561
		Fax#:	603-271-1070
		E-mail:	doreen.sheppard@banking.nh.gov
		TTY/TDD Access:	Relay NH 1-800-735-2964 or dial 711 (in NH)

7. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **July 7, 2017**☐ Fax☒ E-mail☐ Other format (specify):

legal@banking.nh.gov

8. Public hearing scheduled for:

Date and Time: **June 30, 2017 9:30 a.m.**Place: **NH Banking Department, 53 Regional Drive, Suite 200, Concord, NH**