



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

ROOM 219, STATE HOUSE ANNEX

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CONCORD, NEW HAMPSHIRE 03301-6312

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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)

REGULAR MEETING: **Friday, June 16, 2017 9:00 a.m.**
Rooms 306/308, Legislative Office Building

CONTINUED MEETING: **Friday, June 30, 2017 9:00 a.m.**
Rooms 306/308, Legislative Office Building

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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 on page 15. 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.

See 2017 JLCAR Meeting dates and deadlines on page i.

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2017-76	Rev 702.10, 703.04, 703.09, 704.04	Department of Revenue Administration Meals and Rentals Tax, Affidavits Provided to Operators by Government Instrumentalities, Documentation Supporting Original Tax Remittance.	1
2017-77	Env-Or 406.24	Department of Environmental Services Oil and Remediation Programs Test Methods for Primary Containment System Testing of Diesel Fuel UST Systems.	4
2017-78	Ins 1905	Insurance Department Minimum Standards for Medicare Supplement Policies.	7
2017-79	He-M 611	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Secure Psychiatric Unit Transfers.	10

**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	2017-76	Rule Number	Rev 702.10; Rev 703.04; Rev 703.09; Rev 704.04
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<p>1. Agency Name & Address:</p> <p>New Hampshire Department of Revenue Administration Legal Bureau P.O. Box 457 Concord, NH 03302-0457</p>	<p>2. RSA Authority: RSA 21-J:13, I; RSA 78-A:2, II</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u> X </u></p>
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5. Short Title: **Meals and Rentals Tax, Affidavits Provided to Operators by Government Instrumentalities, Documentation Supporting Original Tax Remittance**

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

Rev 702 provides the rules for computing taxable meals for purposes of the meals and rooms (rentals) tax statute, RSA 78-A. Rev 702.10 sets forth the rules concerning exemptions from tax for meals provided pursuant to contracts entered into between operators and certain government instrumentalities. The existing Rev 702.10(a)(2) requires an affidavit of government business be filed with the operator stating the official business and certifying direct payment shall be made by the government instrumentality. This rule is being deleted, and Rev 702.10(a)(3) is being renumbered accordingly.

Rev 703 provides the rules for computing taxable rent. Rev 703.04 sets forth the rules for computing permanent residency for purposes of RSA 78-A:3, VII. The existing Rev 703.04(g)(2) requires an operator to provide documentation supporting the original tax remittance if such operator requests a refund or credit of amounts remitted to the Department that were collected from a hotel occupant for a rental period that continued for 185 or more consecutive days. This rule is being deleted, and Rev 703.04(g)(3) is being renumbered accordingly.

Rev 703.09 sets forth the rules concerning exemptions from tax for rooms or rentals provided pursuant to contracts entered into between operators and certain government instrumentalities. The existing Rev 703.09(a)(2) requires an affidavit of government business be filed with the operator stating the official business and certifying direct payment shall be made by the government instrumentality. This rule is being deleted, and Rev 703.09(a)(3) is being renumbered accordingly.

Rev 704 provides the rules concerning motor vehicle rentals. Rev 704.04 sets forth the rules for measuring the length of a motor vehicle rental agreement for purposes of RSA 78-A:3, XV. The existing Rev 704.04(a)(4)b. requires an operator to provide documentation supporting the original tax remittance if such operator requests a refund or credit of amounts remitted to the Department that were collected from a motor vehicle renter for a rental period that continued for more than 180 consecutive days. This rule is being deleted, and Rev 704.04(a)(4)c. is being renumbered accordingly.

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

The proposed amendments affect all operators subject to the meals and rentals tax.

NN 2017-76 Continued

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

Rule	Specific State Statute the Rule Implements
Rev 702.10	RSA 21-J:13, I; RSA 78-A:2, II
Rev 703.04	RSA 21-J:13, I; RSA 78-A:2, II
Rev 703.09	RSA 21-J:13, I; RSA 78-A:2, II
Rev 704.04	RSA 21-J:13, I; RSA 78-A:2, II

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

Name: **Tracey Russo**

Title: **Paralegal**

Address: **Legal Bureau
P.O. Box 457
Concord, NH 03302-0457**

Phone #: **603.230.5027**

Fax#: **603.230.5932**

E-mail: **tracey.russo@dra.nh.gov**

**The rules can also be viewed in PDF at
<http://www.revenue.nh.gov/laws/proposed-rules.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: **Monday, July 10, 2017**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, June 30, 2017 @ 9:00am**

Place: **New Hampshire Department of Revenue Administration
Medical and Surgical Building
109 Pleasant Street, 2nd Floor Training Room
Concord, NH 03301**

*****The security procedures at the Department of Revenue Administration require all visitors to sign-in and present photo identification. If you plan on attending the public hearing, please bring photo identification with you.*****

NN 2017-76 Continued

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

FIS # 17:074 , dated May 25, 2017**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:

The proposal does not mandate fees, or additional local expenditures, on a political subdivision of the state and, therefore, does not violate Part I, Article 28-a of the NH Constitution.

Notice Number	2017-77	Rule Number	Env-Or 406.24
1. Agency Name & Address:		2. RSA Authority:	RSA 146-C:9, X & XII
		3. Federal Authority:	
Department of Environmental Services		4. Type of Action:	
29 Hazen Drive		Adoption	
P.O. Box 95		Amendment	
Concord, NH 03302-0095		Repeal	
		Readoption	
		Readoption w/amendment	X
5. Short Title: Test Methods for Primary Containment System Testing of Diesel Fuel UST Systems			

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

In 2013, the Department adopted a requirement for owners of underground storage tank (UST) systems storing motor fuels to test the primary containment system for tightness no later than December 22, 2017 and triennially thereafter, using the applicable test method from those listed. (*See* Env-Or 406.24, eff. 9-1-13, OLS doc. #10393.) The allowable methods for UST systems storing diesel fuel did not include the pressure decay test, as the Department had not been able to determine whether the method, which was developed for USTs storing gasoline, was valid for tanks storing diesel fuel. (The question arises due to the difference in Reid vapor pressure of the two fuels.)

The test that is specific to diesel fuel USTs was developed to be applied to the tank itself, not to the overall primary containment system, and costs \$700 or more per test. The pressure decay method of testing primary containment systems costs approximately \$350 per test. In response to concerns about the cost difference raised by stakeholders, the Department indicated via email sent April 15, 2016 that it would accept results of pressure decay testing for diesel fuel UST systems, pending confirmation that the test was valid for systems storing diesel fuel.

The Department had started seeking confirmation during the 2013 readoption with amendment of Env-Or 400, but received no response from the California Air Resources Board (CARB) despite many inquiries. Due to persistence of Department staff, a CARB staff member finally was found who diligently searched for the information. Through those efforts, the Department learned that the CARB pressure decay test referenced in the rules was based on a test procedure originally developed by the Bay Area Air Quality Management District, San Francisco, CA (BAAQMD). After further inquiries, BAAQMD was finally able to find the documentation for the test in storage. The document, "Determining Pressure Integrity of Gasoline Dispensing Facilities," describes the methodology used during the development of the test procedure. The document shows that Reid vapor pressure (RVP) is not an independent parameter in the decay formula, and that the developers specifically looked at many potential biases to include temperature fluctuation and RVP and concluded that these were not significant provided that the test time did not exceed 15 minutes. The test time of CARB test referenced in the Department's rule is 5 minutes.

The Department adopted an emergency rule (*see* Env-Or 406.24(b), eff. 4-17-17, OLS doc. #12160) when it received confirmation that pressure decay testing is valid for diesel fuel, to avoid substantial fiscal harm to the State and its citizens due to the impending deadline. This (regular) rulemaking is to establish the change in Env-Or 406.24(b) beyond the 180-day life of an emergency rule, with an amendment to validate any pressure decay testing done on or after April 15, 2016 (new Env-Or 406.24(c)).

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

The proposed rule will affect any owner of a UST system storing diesel fuel that has not yet done the testing of the primary containment system and any owner of a UST system storing diesel fuel that used the pressure decay test method on or after April 15, 2016.

NN 2017-77 Continued

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

Rule Section	State Statute(s) Implemented	Federal Statutes and Regulations Implemented
Env-Or 406.24	RSA 146-C:2	42 U.S.C. Chapter 82, Subchapter IX; 40 CFR 280

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

Name: Michael Juranty, P.E. Title: Supervisor, Oil Compliance Section
Address: Dept. of Environmental Services Phone #: (603) 271-3645
29 Hazen Drive; P.O. Box 95 Fax#: (603) 271-2181
Concord, NH 03302-0095 E-mail: Michael.Juranty@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 p.m. on Friday, July 14, 2017**

YOU MAY SUBMIT WRITTEN COMMENTS WITHOUT ATTENDING THE PUBLIC HEARING Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, June 29, 2017 at 9:00 AM**Place: **Room 112, DES Offices, 29 Hazen Drive, Concord NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant): FIS #
- 17:073
- , dated
- 06/1/17
- :

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the prior existing rules that preceded the April 2017 emergency rules, the proposed rules will decrease costs for the State, political subdivisions, and independently owned businesses by indeterminable amounts.

2. Cite the Federal mandate. Identify the impact on state funds:

The Department's Underground Storage Tank (UST) program is approved by the US Environmental Protection Agency (EPA) to be implemented in New Hampshire in lieu of the EPA directly implementing its own program under the Resource Conservation and Recovery Act (RCRA), Subtitle I. While the Department has received approximately \$330,000 per year from EPA to implement the program, the requirement to test the primary containment systems for diesel fuel UST systems is not a federal requirement.

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

Under existing rules owners of underground storage tank (UST) systems storing motor fuels have to test the primary containment systems no later than December 22, 2017, and triennially thereafter. The allowable testing method required for UST systems storing diesel fuels costs \$700 or more per test under the prior existing rules that preceded the emergency rules adopted April 2017. The emergency rules, that have been incorporated into the existing rules, include a provision that allows the use of the pressure decay method for UST systems with diesel fuels and costs approximately \$350 per test. The aforementioned provision has been incorporated into the proposed rules as Env-Or 406.24 (b), (3) b and will benefit the New Hampshire Department of Transportation (DOT), political subdivisions, and independently owned businesses as these entities all have systems subject to the testing requirement. The Department of Environmental Services estimates the following savings:

NN 2017-77 Continued

(Item 10. continued)

	Number of UST Systems w/ Diesel Fuel	Estimated Number of Systems Tested to Date	Remaining Systems to be Tested	Current Rule Costs @ \$700 per Test	Proposed Rule Costs @ \$350 per Test	Decrease in Costs
Independently Owned Businesses and Political Subdivisions	481	86	395	\$267,500	\$138,250	\$138,250
NH DOT	85	0	85	\$59,500	\$29,750	\$29,750

There is no fiscal impact for the new proposed rule Env-Or 406.24 (c).

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

No impact to state citizens. See 3 above for political subdivisions.

C. To independently owned businesses:

See 3 above.

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

While the proposed rule may impact political subdivisions, the effect of the rule is to lower the cost of testing that is already required. The rule thus does not mandate or assign any new, expanded, or modified programs or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures, and so does not violate Part I, Article 28-a of the New Hampshire Constitution.

Notice Number 2017-78Rule Number Ins 1905

1. Agency Name & Address:

**NH Insurance Department
21 S. Fruit Street, Suite 14
Concord, NH 03301**

2. RSA Authority:

**RSA 400-A:15, I;
RSA 415-F:3, III – VI;
RSA 415-F:5, III - V**

3. Federal Authority: _____

4. Type of Action:

Adoption X

Amendment _____

Repeal _____

Readoption X Readoption w/amendment X 5. Short Title: **MINIMUM STANDARDS FOR MEDICARE SUPPLEMENT POLICIES**

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

In practical terms, this is a proposed readoption with amendments of Ins 1905, which provides for the reasonable standardization of coverage and simplification of terms and benefits of Medicare supplement policies to facilitate public understanding and comparison of such policies, to eliminate misleading or confusing provisions, and to provide for full disclosure. The amendments correct references; provide for incorporation by reference standards; correct formatting, punctuation, and grammar; update deductible and coverage amounts in the plan charts; add a new chart to show plans sold on or after January 1, 2020; add a new section Ins 1905.11 to set forth standards for plans issued to newly eligible individuals on or after January 1, 2020; and add a new section Ins 1905.27 for the waiver or suspension of rules.

These rules are based on NAIC Model #651.

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

All carriers licensed to write Medicare supplement insurance in New Hampshire and the consumers that purchase such policies.

NN 2017-78 Continued

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

RULE	STATUTE BEING IMPLEMENTED
Ins 1905.01	RSA 415-F:3, III
Ins 1905.02	RSA 415-F:2
Ins 1905.03	RSA 415-F:3, III
Ins 1905.04	RSA 415-F:3, III
Ins 1905.05	RSA 415-F:3, III
Ins 1905.06	RSA 415-F:3, III, IV, V
Ins 1905.07	RSA 415-F:3, III, IV, V
Ins 1905.08	RSA 415-F:3, III, IV, V
Ins 1905.09	RSA 415-F:3, III, IV, V
Ins 1905.10	RSA 415-F:3, III, IV, V
Ins 1905.11	RSA 415-F:3, III, IV, V
Ins 1905.12	RSA 415-F:3, III, V
Ins 1905.13	RSA 415-F:3, III, IV
Ins 1905.14	RSA 415-F:3, III, IV, V
Ins 1905.15	RSA 415-F:3, III, IV
Ins 1905.16	RSA 415-F:3, V; RSA 415-F:4
Ins 1905.17	RSA 415-F:3, III, IV, V
Ins 1905.18	RSA 415-F:3, IV
Ins 1905.19	RSA 415-F:3, III, IV, V; RSA 415-F:6
Ins 1905.20	RSA 415-F:3, III, IV
Ins 1905.21	RSA 415-F:3, IV; RSA 415-F:7
Ins 1905.22	RSA 415-F:3, IV; RSA 415-F:7
Ins 1905.23	RSA 415-F:5, IV, V
Ins 1905.24	RSA 415-F:3, IV
Ins 1905.25	RSA 415-F:3, III, IV, V
Ins 1905.26	RSA 415-F:3, III, V
Ins 1905.27	RSA 400-A:15, I
Appendix A	RSA 400-A:15, I
Appendix B	RSA 400-A:15, I
Appendix C	RSA 400-A:15, I

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

Name: **Heather Silverstein**
 Address: **NH Insurance Dept.**
21 S. Fruit St., Suite 14
Concord, NH 03301

Title: **LAH Attorney**
 Phone #: **271-3785**
 Fax#: **271-1406**
 E-mail: **Heather.silverstein@ins.nh.gov**
 TTY/TDD Access: Relay NH 1-800-735-2964
 or dial 711 (in NH)

NN 2017-78 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **July 10, 2017**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, June 30, 2017, 1:30 pm**

Place: **Room 160, NH Insurance Department, 21 S. Fruit St., Concord, NH**

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

FIS # 17:076 , dated May 30, 2017

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:

Title XVIII of the Social Security Amendments of 1965 and 42 U.S.C. Section 1395 et seq. mandate Medicare and Medicare Supplement Policies, and the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 update these provisions. The mandates do not impact state funds, unless the state is in the business of purchasing Medicare Supplement policies.

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:

This rule does not mandate any new, expanded, or modified program or responsibilities to any political subdivision in such a way as to necessitate additional local expenditures by the political subdivisions.

Notice Number 2017-79

Rule Number

He-M 611

<p>1. Agency Name & Address: Dept. of Health & Human Services New Hampshire Hospital 36 Clinton Street Concord, NH 03301</p>	<p>2. RSA Authority: RSA 622:45, II, IV; RSA 135-C:48</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u> X </u></p>
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5. Short Title: **Secure Psychiatric Unit Transfers**

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

He-M 611 specifies the criteria and procedures for the transfer of civilly committed persons with mental illness or intellectual disability from New Hampshire Hospital or any designated receiving facility in the developmental disabilities services system to the Secure Psychiatric Unit (SPU) in the correctional services system.

The current interim rule is being readopted with amendment due to the pending expiration of the interim rule August 13, 2017, and to make changes to the rule for clarity. Changes proposed include:

- **Removing references to “independent review” pursuant to SB 347 (Chapter 156 of the Laws of 2012) which amended RSA 126-A:5, VIII; and**
- **Clarifying He-M 611.05 by adding language relating to suspending an order to transfer from the designated receiving facility (DRF) until a bed is available at the Secure Psychiatric Unit (unit).**

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

Those affected are persons with mental illness or intellectual disability involuntarily admitted to New Hampshire Hospital who are transferred to the Secure Psychiatric Unit under circumstances permitted by He-M 611, and those members of New Hampshire Hospital and the correctional services system involved in the transfer of those persons.

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

Rule	Specific State Statute the Rule Implements
He-M 611.01 - 611.02	RSA 135-C:61, IX, RSA 171-A:8-a
He-M 611.03	RSA 171-B:15; RSA 135-C:61, IX; RSA 171-A:8-a
He-M 611.04	RSA 622:45
He-M 611.05	RSA 135-C:31, V; 48; RSA 171-A:8-a; RSA 171-B:15; RSA 622:45
He-M 611.06	RSA 135-C:31, V; 48; RSA 171-A:8-a
He-M 611.07	RSA 135-C:61, IX; RSA 171-A:8-a
He-M 611.08	RSA 135-C:61, IX; RSA 171-A:8-a
He-M 611.09	RSA 622:45, IV
He-M 611.10	RSA 622:45, IV
He-M 611.11	RSA 622:45, IV

NN 2017-79 Continued

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

Name:	Catherine Bernhard	Title:	Rules Coordinator
Address	Dept. of Health and Human Services Administrative Rules Unit 129 Pleasant Street Concord, NH 03301	Phone #:	271-9374
		Fax#:	271-5590
		E-mail:	<u>catherine.bernhard@dhhs.state.nh.us</u>

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

The proposed rules may be viewed and downloaded at:**<http://www.dhhs.nh.gov/oos/aru/comment.htm>**8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified:
Thursday, July 6, 2017 at 4:30 p.m. Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Thursday, June 29, 2017 at 3:30 – 5:00 p.m.**Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

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

FIS # 17:067, dated 05/24/17

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 rule to the existing rule.

2. Cite the Federal mandate. Identify the impact of 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 proposed rule modifies an existing program or responsibility, but it does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

 OFFICE OF LEGISLATIVE SERVICES
 Administrative Rules
 25 Capitol Street, Room 219
 Concord, New Hampshire 03301-6312

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Current subscriptions to the Register expire on **June 30, 2017**. The next subscription cycle will run from July 1, 2017 until June 30, 2018. The cost for a 1-year subscription to the Register in paper format is **\$80 or monthly at \$6.65**. Anyone interested in receiving the Register in paper format should use the order form below.

The Register is also available online in PDF format at <http://www.state.nh.us/gencourt/ols/rules> or electronically by email upon request without charge. The Register can be viewed with Adobe® Acrobat® Reader software available free by the link to Adobe.

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 25 Capitol St., Room 219
 Concord, NH 03301-6312

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FINAL PROPOSALS FOR COMMITTEE REVIEW ON JUNE 16, 2017

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2016-126	He-W 820, 821, & 856.05	Department of Health and Human Services Former Division of Human Services Asset Transfers, Undue Hardship Waivers for Asset Transfer Penalties or for Individuals with Substantial Home Equity, and Real Property Resources in the Medical Assistance Programs.
2017-27	Saf-C 2006.06	Department of Safety, Commissioner Repairer Service Vehicle Registration Rules.
2017-33	Env-Dw 501	Department of Environmental Services Drinking Water Programs Permit to Operate for Public Water Systems.
2017-36	Saf-C 1500	Department of Safety, Commissioner Restoration Fee Waiver Rules.
2017-37	He-P 4041.02(n), (o), (eo) & (fh), 4045.01, 4045.03(c) intro., 4045.10 & 4070.06 Table 4070.2	Department of Health and Human Services Former Division of Public Health Services Radiation or MRI Machine Security Screening System Non-Medical.
2017-41	Saf-C 6301.01 & 7100	Department of Safety, Commissioner Breath Alcohol Procedure Using the Intoxilyzer 5000 Instrument Rules.
2017-46	Ins 3501-3506	Insurance Department Valuation of Life Insurance Policies.
2017-47	Ins 2300	Insurance Department Regulation of Third Party Administrators.
2017-55	He-C 6910	Department of Health and Human Services, Commissioner Employment Related Child Care Eligibility.
2017-56	He-C 6912	Department of Health and Human Services, Commissioner Preventive and Protective Child Care Eligibility.
2017-57	He-C 6914	Department of Health and Human Services, Commissioner Child Care Provider Enrollment Requirements.
2017-58	He-C 6918	Department of Health and Human Services, Commissioner Child Care Provider Billing and Payment Requirements.
2017-60	Fire 100-900	Fire Standards and Training Commission New Hampshire Fire Standards and Training Commission Rules.
2017-64	Rea 300-700 various sections	Real Estate Commission Licensing Requirements; Continued Status; Ethical Standards; Conduct of Licensees.

PROPOSED INTERIM RULES FOR COMMITTEE REVIEW ON JUNE 16, 2017

<u>Proposed Interim #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
INT 2017-13	He-C 6423	Department of Health and Human Services, Commissioner Foster Family Home Rate-Setting.

NOTICE OF ADOPTED RULES

<u>Document #</u> (Final <u>Proposal</u>)	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Effective</u> <u>Expires</u>
12173 (FP 2016-187)	Pes 1100	Pesticide Control Board Worker Protection Amendment.	5/10/2017 5/10/2027
12174 (Emergency)	He-C 4002	Department of Health and Human Services, Commissioner Child Care Licensing Program Rules.	5/17/2017 11/13/2017
12175 (EXP 2017-1)	Pari 800	NH Lottery Commission Racing & Charitable Gaming Division Repeal of the Greyhound Racing Rules.	5/18/2017
12176 (FP 2016-175)	Nat 300-400	Naturopathic Board of Examiners Licensing and Certification Requirements; Continued Status.	5/17/2017 5/17/2027
12177 (FP 2017-26)	Saf-C 2004.02(h)	Department of Safety, Commissioner Wholesale Dealer Physical Requirements Rules.	5/18/2017 5/18/2027
12178 (INT 2017-12)	He-A 304	Department of Health and Human Services Alcohol Former Office of & Drug Abuse Prevention Operational Requirements for Opioid Detoxification and Methadone Maintenance, Treatment and Rehabilitation Programs.	5/20/2017 11/16/2017
12179 (FP 2016-231)	He-W 648.02, 648.03, 848.02 & 848.03	Department of Health and Human Services Former Division of Human Services Expiring Rules Related to Eligibility for Adult Categories of Assistance and Medical Assistance When Living in a Residential Care Facility or a Community Residence.	5/23/2017 5/23/2027
12180 (FP 2016-237)	Env-Dw 103.41	Department of Environmental Services Drinking Water Programs Public Drinking Water Rules: Definition of "Owner or Operator". <i>(As organizational rules they do not expire except pursuant to RSA 541-A:17, II).</i>	5/23/2017
12181 (FP 2016-238)	Env-Dw 403.02-403.03 & 714	Department of Environmental Services Drinking Water Programs Control of Lead and Copper; Public Drinking Water Primacy Amendments.	5/23/2017 5/23/2027
12182 (FP 2017-24)	He-W 602.16 & 602.17	Department of Health and Human Services Former Division of Human Services Expiring Rules Related to Eligibility for Additional Hardship Extensions to the 60-Month Lifetime Limit on Receipt of FANF Financial Assistance.	5/23/2017 5/23/2027
12183 (FP 2017-2)	Rev 207.06 various & 207.09(f) various	Department of Revenue Administration Failure to Include M&R Tax License Number on Advertisements of Short-Term Rentals.	5/24/2017 5/24/2027

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12184 (FP 2017-3)	Rev 701.25 & 705.01(i) and (j)	Department of Revenue Administration Advertisements of Short-Term Rentals.	5/24/2017 5/24/2027
12185 (FP 2016-223)	Env-Wq 1800	Department of Environmental Services Water Quality and Quantity Programs Rivers Management and Protection Program.	5/25/2017 5/25/2027
12186 (FP 2016-234)	Rev 302.02, 303.05, 307.06, 307.07, 307.12	Department of Revenue Administration Business Profits Tax Basis Step-Up and Filing Deadlines.	5/25/2017 5/25/2027
12187 (FP 2016-235)	Rev 2407.05	Department of Revenue Administration Business Enterprise Tax Short Period Return Filing Deadline.	5/25/2017 5/25/2027
12188 (FP 2017-1)	He-W 520.04	Department of Health and Human Services Former Division of Human Services Medicaid General Program Information and Provider Requirements - Surveillance and Utilization Review and Control.	5/25/2017 5/25/2027
12189 (FP 2017-29)	Fis 301.09(l)	Fish and Game Department Moose Season Lottery.	5/25/2017 5/25/2027
12190 (FP 2017-38)	Asb 205-206	Assessing Standards Board Assessing Standards Board Explanation of Adoption of Rule, Public Forums and Subcommittee Meetings. <i>(As practice and procedure rules they do not expire except pursuant to RSA 541-A:17, II).</i>	5/25/2017
12191 (FP 2016-191)	He-M 315	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Rights of Persons Receiving Peer Support Services.	5/26/2017 5/26/2027
12192 (FP 2016-198)	He-M 1202	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Administration of Medications in Behavioral Health.	5/26/2017 5/26/2027
12193 (FP 2016-207)	He-M 402	Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Peer Support.	5/26/2017 5/26/2027
12194 (EXEMPT)	HFA 301, 311, 320, 322, 331, 332, 333, & 341	NH Housing Finance Authority Various Home Ownership Program Rules.	5/15/2017 Exempt
12195 (EXEMPT)	Fis 603.07	Fish and Game Department 2017 Atlantic Sea Herring Rule.	5/31/2017 Exempt

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12196 (FP 2016-245)	Saf-C 3200 various sections & paragraphs	Department of Safety, Commissioner On-Demand Official Motor Vehicle Inspection Sticker Rules.	10/1/2017 10/1/2027
12197 (FP 2017-28)	He-P 816	Department of Health and Human Services Former Division of Public Health Services Educational Health Centers.	6/2/2017 6/2/2027
12198 (FP 2017-31)	He-P 818	Department of Health and Human Services Former Division of Public Health Services Adult Day Programs.	6/2/2017 6/2/2027
12199 (FP 2017-32)	He-P 3201.01(n) & 3205.02(e)	Department of Health and Human Services Former Division of Public Health Services Special Supplemental Nutrition Program for Women, Infants and Children (WIC) - Price of Infant Formula and Foods.	6/3/2017 6/3/2027