



## **Action Minutes**

**July 21, 2022**

**Members Present:** Senators Reagan, Gray, Prentiss, and Ward, and Representatives Bershtein, McGuire, Schmidt, 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 an in-person meeting at 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Senators Gray, Prentiss, and Ward, and Representatives Bershtein, McGuire, Schmidt, and Tucker.

Sen. Reagan designated Rep. Tucker as an alternate for Rep. Lang, who was absent.

2. The Committee discussed the minutes of the Committee meeting on June 16, 2022.

Rep. McGuire moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

### **CONSENT AGENDA**

#### ***2. Committee Approval of Final Proposals, Objection Responses, and Proposed Expedited Revisions to Agency Forms:***

<b>FP</b>	2021-136	DEPARTMENT OF SAFETY Commissioner Proximate Audience Pyrotechnics, Flame Effects, and Special Effects Rules
<b>EXRF</b>	2022-7	LIQUOR COMMISSION License Type Worksheet-Restaurant
<b>FP</b>	2022-9	DEPARTMENT OF SAFETY Commissioner Motor Vehicle Equipment Waiver
<b>FP</b>	2022-11	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Human Services Living with a Specified Relative

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<b>FP</b>	2022-12	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Human Services Deemed Income
		<i>(JLCAR Deadline August 2, 2022.)</i>
<b>FP</b>	2022-16	BOARD OF CHIROPRACTIC EXAMINERS Continuing Education Hours and Courses
<b>FP</b>	2022-27	DEPARTMENT OF HEALTH AND HUMAN SERVICES Commissioner Children Left at Hospitals or Safe Havens
<b>FP</b>	2022-31	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Public Health Services Administrative Controls for Use of Radiation or MRI
<b>FP</b>	2022-39	DEPARTMENT OF ENVIRONMENTAL SERVICES Hazardous Waste Programs Definitions and Applicable Federal Regulations
<b>FP</b>	2022-40	DEPARTMENT OF ENVIRONMENTAL SERVICES Hazardous Waste Programs Hazardous Waste Amendments re: Permits, Identification of Hazardous Waste, Generators, Transporters, Facility Owners/Operators, Universal Waste, Land Disposal Restrictions
<b>FP</b>	2022-41	DEPARTMENT OF ENVIRONMENTAL SERVICES Hazardous Waste Programs Hazardous Waste Pharmaceuticals
<b>FP</b>	2022-49	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Human Services Initiation of Financial Assistance to Needy Families Category Financial Assistance
<b>FP</b>	2022-51	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Human Services Technical Requirements for Families With Older Children (FWOC) Category of Financial Assistance
<b>FP</b>	2022-60	BOARD OF NURSING Licensure of Nursing Assistants and Restricted Licensure
<b>FP</b>	2022-67	DEPARTMENT OF SAFETY Authority to Cite Fire Safety Violators Rules

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**FP**                    2022-69            FISH AND GAME DEPARTMENT  
Furbearing Animals

**FP**                    2022-74            FISH AND GAME DEPARTMENT  
Non-Game

**Objection Response:**

**FP**                    2021-110          PASSENGER TRAMWAY SAFETY BOARD  
Passenger Tramway Safety Rules

**Conditional Approvals:**

**FP**                    2021-129          N.H. PHARMACY BOARD  
Licensed Advanced Pharmacy Technicians

**FP**                    2022-13            DEPARTMENT OF HEALTH AND HUMAN  
SERVICES  
Former Division of Public Health Services  
Licensing of Radioactive Material

**FP**                    2022-28            REAL ESTATE COMMISSION  
License Renewal and Continuing Education

**FP**                    2022-65            Former Division of Public Health Services  
Sanitary Production and Distribution of Food

Senator Reagan added Final Proposal 2022-33 from the Department of Administrative Services, containing Adm 613.01 through Adm 613.08, to the Consent Agenda. It had been left off the Agenda inadvertently. Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals, Expedited Revisions to Form, and Objection Response in Item #2, and conditionally approve the Final Proposals in Item #3, based on the agencies' conditional approval requests.

Sen. Gray seconded.

Adopted.

4. Rep. McGuire moved to postpone Item #5, regarding Final Proposal 2022-38 from the Board of Veterinary medicine (Registration or Licensing Requirements), from the July 21, 2022 agenda to the Committee's regular meeting on August 18, 2022.

Rep. Bershtein seconded.

Adopted.

5. The Committee discussed Final Proposal 2022-7 from the Department of Safety (Ignition Interlock Program Rules). Marta Modigliani from the Department of Safety testified for the Department.

Rep. McGuire moved that the Committee preliminarily object to Final Proposal 2022-7.

Sen. Gray seconded.

Adopted by a 7 to 1 vote, with Senator Reagan voting "NO."

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6. The Committee discussed Final Proposal 2022-54 from the Office of Professional Licensure and Certification (Practice and Procedure). Lindsey Courtney, Executive Director, testified for the Office of Professional Licensure and Certification.

The Office of Professional Licensure and Certification had submitted a conditional approval request in rules dated July 14, 2022.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2022-54 based on the request.

Sen. Gray seconded.

Adopted.

7. The Committee discussed Final Proposal 2022-64 from the Office of Professional Licensure and Certification (Application-Related Fees Specific to Each Profession). Lindsey Courtney, Executive Director, testified for the Office of Professional Licensure and Certification.

Sen. Gray moved that the Committee conditionally approve Final Proposal 2022-64 based on the request.

Rep. Schmidt seconded.

Adopted.

8. The Committee discussed Final Proposal 2022-35 from the NH Lottery Commission (Employee Recognition Program). Valerie King and Kelley-Jae Cleland testified for the Commission.

Rep. McGuire moved that the Committee approve Final Proposal 2022-35 with the recommendation that the Commission work with the Legislature to clarify RSA 284:21-h, VII regarding the methodology for implementing the employee recognition program.

Rep. Bershtein seconded.

Adopted.

9. The Committee discussed Final Proposal 2022-36 from the Real Estate Commission (Licensing Requirements). Tina Kelley of the Office of Professional Licensure and Certification testified for the Commission.

The Commission had submitted a conditional approval request in rules dated July 5, 2022.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2022-36 based on the request.

Rep. McGuire seconded.

Adopted.

10. The Committee discussed Final Proposal 2022-85 from the Department of Revenue Administration (Relative to Computation of Gross Business Profits, Technical Corrections on Specific Industry Apportionment for Financial Institutions, Single Sales Factor Apportionment, and Treatment of Overpayments). Keen M. Wong testified for the Department.

After an extended discussion, the Committee postponed Final Proposal 2022-85 to the Committee meeting on August 18, 2022.

11. The Committee discussed Final Proposal 2022-86 from the Department of Revenue Administration (Various Meals and Rental Changes). Keen M. Wong testified for the Department.

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Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-86 based on amending Rev 702.11(a) to comply with §§ 3.17 and 3.18 of Chapter 4 of the New Hampshire Drafting and Procedure Manual. Rep. McGuire also noted that the Fiscal Impact Statement for Final Proposal 2022-86 should have discussed the tax rate.

Sen. Ward seconded.

Rep. McGuire amended her motion to include amendment of Rev 705.01(a)(1) and (2) as indicated in the written material submitted by Attorney Wong.

Rep. Schmidt seconded.

Adopted with amendment.

12. The Committee discussed Final Proposal 2022-87 from the Department of Revenue Administration (Interest and Dividends Tax). Keen M. Wong testified for the Department.

Sen. Gray moved that the Committee conditionally approve Final Proposal 2022-87 by amending Rev 900 to use the definition of “person” contained in RSA 21:9 and amending Rev 905.03(a) and (b) by changing “the department may” to “the department shall.”

Rep. Schmidt seconded.

Adopted.

13. Committee Attorney Kim Reeve updated the Committee regarding the recommendation it made when conditionally approving FP 2021-92 (Document #13398, eff. 6-22-2022) from the Pharmacy Board at its meeting on May 20, 2022. The Committee had recommended that the Office of Professional Licensure and Certification staff work with Attorney Reeve to compare the proposed rules with current Board rules, specifically Ph 303, for any potential conflicts. Committee Reeve reported that, after several conversations with Tina Kelley of the Office of Professional Licensure and Certification, she would be making recommendations to the Committee for a rulemaking petition at its August 18, 2022 meeting.
14. The Committee discussed the continued meeting scheduled for August 4, 2022. It was the consensus of the Committee to cancel the continued meeting.
15. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 10:10 a.m.