



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES
ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

JANUARY 19, 2018

Members Present: Senators Reagan, Feltes, and Avard, and Representatives McGuire, Schmidt, Lang, Hatch, Wolf, Ebel*, Matthews*, and Ohm*. (*) Indicates alternate member.

(**) Indicates where Part I, 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 at 9:05 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Feltes and Avard and Reps. McGuire, Schmidt, Lang, Hatch, Wolf, Ebel, Matthews, and Ohm.

Sen. Reagan designated Rep. Ebel and Rep. Matthews as alternates, respectively, for Sen. Kahn and Sen. French, who were absent.

2. The Committee discussed the minutes of the Committee meeting on December 21, 2017.

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:

FP 2017-96 BOARD OF HOME INSPECTORS
Office Hours, Office Location, Mailing Address and Telephone;
Explanation After Adoption

FP 2017-165 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commissioner
Foster Family Home Rate-Setting

3. Committee Conditional Approvals:

FP 2017-97 BOARD OF HOME INSPECTORS
Licensure Requirements; Continued Status; Ethical Standards and
Professional Conduct; Standards of Practice; Voluntary License Surrender

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2 and conditionally approve the Final Proposal in Item #3 based on the agency's conditional approval request.

Rep. Hatch seconded.

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Adopted.

4. The Committee discussed whether to postpone action on certain items to another meeting.

No action to postpone was taken.

5. The Committee discussed Final Proposal 2017-131 from the Public Utilities Commission (Electric Renewable Portfolio Standard Rules). David Wiesner and Karen Crampton testified for the Commission.

The Commission had submitted a conditional approval request in a letter and amended rules dated December 18, 2017, as an amended conditional approval request in a letter and amended rules dated January 16, 2018, and a further amended rule Puc 2505.14 received on January 18, 2018.

Michael J. Sheehan, representing Liberty Utilities, had submitted written testimony prior to the meeting in a letter dated January 17, 2018.

Sen. Feltes moved that the Committee conditionally approve Final Proposal 2017-131 based on the amended conditional request, as further amended by the amended rule Puc 2505.14, and (1) petition the Commission pursuant to RSA 541-A:4 to immediately initiate a further rulemaking proceeding to address the relevant thermal renewable energy certificate (REC) eligibility issues, with a target completion date of the earlier of August 31, 2018 or 90 days following enactment of clarifying legislation, and (2) recommend that the Committee consider legislation to clarify the eligibility of methane gas as a potential source of Class I thermal RECS.

Sen. Avard seconded.

Adopted.

6. The Committee discussed Final Proposal 2017-124 from the Pharmacy Board (Explanation of Adopted Rules). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

Rep. McGuire moved that the Committee approve Final Proposal 2017-124.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2017-125 from the Pharmacy Board (Central Prescription Processing). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

Rep. Schmidt moved that the Committee approve Final Proposal 2017-125.

Rep. Hatch seconded.

Adopted.

8. The Committee discussed the following Proposed Interim Rules from the Department of Agriculture, Markets, and Food:

INT 2017-29	Livestock Dealer Licensing
INT 2018-1	Seeds

Commissioner Shawn Jasper testified for the Department.

Sen. Feltes moved that the Committee approve Proposed Interim Rule INT 2017-29.

Sen. Avard seconded.

Adopted.

Sen. Feltes than moved that the Committee approve Proposed Interim Rule INT 2018-1.

Sen. Avard seconded.

Adopted.

9. The Committee discussed Final Proposal 2017-154 from the Insurance Department (Ancillary Health and Blanket Insurance General Provisions). Heather Silverstein and Diana Lavoie testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated January 11, 2018.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2017-154 based on the request.

Rep. McGuire seconded.

Adopted. It was noted for the record that Sen. Feltes voted "no".

10. The Committee discussed Final Proposal 2017-155 from the Insurance Department (Discontinuance and Replacement of Group Ancillary Health and Blanket Coverage). Heather Silverstein and Diana Lavoie testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2017-155.

Rep. Schmidt seconded.

Adopted. It was noted for the record that Sen. Feltes voted "no".

11. The Committee discussed Final Proposal 2017-156 from the Insurance Department (New Hampshire Long-Term Care Partnership Program). Heather Silverstein and Diana Lavoie testified for the Department.

Sen. Feltes moved that the Committee approve Final Proposal 2017-156.

Rep. McGuire seconded.

Adopted.

12. The Committee discussed Final Proposal 2017-152 from the Department of Health and Human Services (Commissioner, Payments to Non-Public Disproportionate Share Hospitals and Uncompensated Care Funding Reporting). Michael Holt and Meredith Telus testified for the Department.

Paula Minnehan representing the N.H. Hospital Association, also testified.

Rep. McGuire moved that the Committee approve Final Proposal 2017-152.

Sen. Feltes seconded.

Adopted.

13. The Committee discussed Final Proposal 2017-134 from the Department of Health and Human Services (Former Office of Alcohol and Drug Abuse Prevention, Certification and Operational Requirements of Opioid Treatment Programs). Michael Holt and Jaime Powers testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated January 18, 2018.

Sen. Avard moved that the Committee conditionally approve Final proposal 2017-134 based on the request.

Rep. McGuire seconded.

Adopted.

14. The Committee discussed Proposed Expedited Revisions to Form EXRF 2017-2 from the Department of Safety (Commissioner, Motor Vehicle Inspection Station Application). David Hilts testified for the Department.

Rep. McGuire moved that the Committee approve the Proposed Expedited Revisions to Form EXRF 2017-2 with the understanding that the Department would submit the updated form to Committee staff for review prior to adoption and filing.

Sen. Avard seconded.

Adopted.

15. The Committee discussed the response by the Department of Safety to the Committee's preliminary objection to Final Proposal 2017-87 (Commissioner, New Hampshire Fire Standards and Training and Administrative Fee Rules). David Hilts and Jeffrey Phillips testified for the Department.

The Department had submitted a Preliminary Objection Response in a letter dated January 2, 2018 and amended rules dated December 29, 2017 and an Amended Objection Response in a letter dated January 11, 2018 and amended rules dated January 10, 2018.

Sen. Avard moved that the Committee approve the rules in the amended objection response.

Rep. Schmidt seconded.

Adopted.

16. The Committee discussed the response by the Department of Safety to the Committee's preliminary objection to Final Proposal 2017-129 (Commissioner, Transportation Network Company Rules). David Hilts testified for the Department.

The Department had submitted a Preliminary Objection Response in a letter and amended rules dated January 2, 2018 and an Amended Objection Response in a letter and amended rules dated January 12, 2018.

The Department requested a revised objection to Final Proposal 2017-129 as amended in the Amended Objection Response (1) on the grounds as outlined in Committee staff comments to Saf-C 5403.02(g)(18) on p. 8 and Saf-C 5405.05(b)(7) on p. 11, and (2) on the ground of being contrary to the public interest due to

lack of clarity in Saf-C 5402.06 on pages 4 and 5 and in Saf-C 5406.09(a)(1) on p. 16 as outlined in the Committee staff comments to Saf-C 5406.09(a)(1).

Rep. McGuire moved that the Committee make a revised objection to Final Proposal 2017-129, as amended in the Amended Objection Response, based on the Department's request.

Rep. Schmidt seconded.

Adopted.

17. The Committee discussed the response by the Department of Safety to the Committee's preliminary objection to Final Proposal 2017-74 (Commissioner, Licensure of Private Investigators, Security Guards, and Bail Recovery Agents). Keith Lohmann and Sergeant Michael McQuade testified for the Department.

The Department had submitted a Preliminary Objection Response in a letter and amended rules dated January 2, 2018 but also requested a revised objection to Final Proposal 2017-74 as amended in the Preliminary Objection Response based on the annotations by Committee staff to the Preliminary Objection Response.

Sen. Feltes moved that the Committee make a revised objection to Final Proposal 2017-74, as amended in the Preliminary Objection Response, based on the Department's request.

Sen. Avard seconded.

Adopted.

18. The Committee discussed the status of the rules in Liq 706 from the Liquor Commission on licensing requirements. Rosemary Wiant testified for the Commission.

Sen. Feltes moved that the Committee recommend to the Commission that it undertake rulemaking to readopt Liq 706 and place it on the "front burner" in priority, that is, undertake immediate rulemaking.

Sen. Avard seconded.

Adopted.

19. The Committee discussed the continued meeting scheduled for February 2, 2018.

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

20. The Committee adjourned by consensus at 11:10 a.m.