



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

Action Minutes

DECEMBER 18, 2014

Members Present: Senators Reagan, Cataldo, Avard, Feltes, and Daniels*, and Representatives McGuire, Schmidt, Ladd, Sad, Gottling*, Hatch*, and Sytek*. (*) Indicates alternate member.

(**) Part 1, Article 28-a of the N.H. Constitution was not an issue in the Committee's discussion.

1. The meeting was convened at 9:00 a.m. by Sen. Reagan as outgoing Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Cataldo, Avard, Feltes, and Daniels, and Reps. Schmidt, McGuire, Ladd, Sad, Gottling, and Sytek.

2. The Committee discussed nominations for the next Committee Chair.

Sen. Reagan nominated Rep. McGuire as Chair.

Rep. Schmidt seconded the nomination.

There were no further nominations.

The motion was adopted.

3. As Committee Chair, Rep. McGuire now chaired the meeting.

Rep. McGuire nominated Sen. Reagan to be the Committee Vice-Chair.

Rep. Schmidt seconded the nomination.

The motion was adopted.

4. The Committee discussed the designation of alternate members.

Rep. McGuire designated Rep. Sytek and Sen. Daniels as alternates, respectively, for Rep. Kidder and Sen. Watters, who were absent.

5. The Committee discussed the minutes of the Committee meeting on November 20, 2014.

Sen. Reagan moved that the minutes be approved.

Rep. Ladd seconded.

Adopted.

6. The Committee discussed scheduling Committee meetings in 2015.

It was the consensus of the Committee to approve the meeting schedule prepared by Committee staff.

7. The Committee discussed requests received by the Director of Legislative Services for waivers pursuant to RSA 541-A:40, IV of the deadlines used to file the following rules:

FP 2014-147	DEPARTMENT OF REVENUE ADMINISTRATION Prenote Test and Registration Information Changes for Electronic Transfers and Filing <i>(Deadline of December 4, 2014 to File a Final Proposal for the December 18, 2014 Meeting.)</i>
FP 2014-148	DEPARTMENT OF REVENUE ADMINISTRATION Medicaid Enhancement Tax Definitions and Forms <i>(Deadline of December 4, 2014 to File a Final Proposal for the December 18, 2014 Meeting.)</i>
OR 2014-12	BOARD OF MENTAL HEALTH PRACTICE License Requirements, Applications, and Fees <i>(Deadline of January 5, 2015 to file an Objection Response.)</i>
FP 2014-113	DEPARTMENT OF HEALTH AND HUMAN SERVICES Commissioner Certification for Payment Standards for Residential Treatment Programs <i>(Deadline of December 29, 2014 to file a Final Proposal.)</i>

Jill Sieveking, Director of the Office of Legislative Services, was present and consulted with Rep. McGuire as Chair and Sen. Reagan as Vice-Chair, pursuant to RSA 541-A:40, IV.

Rep. McGuire and Sen. Reagan gave their assent to the waivers.

8. The Committee discussed the following Final Proposals from the agencies indicated (Consent Agenda – Final Proposals):

FP 2014-92	PUBLIC UTILITIES COMMISSION Group Net Metering
FP 2014-101	DEPARTMENT OF ENVIRONMENTAL SERVICES Air Related Programs Registration Fee for Emergency Generators and Emission-Based Fee
FP 2014-102	DEPARTMENT OF ENVIRONMENTAL SERVICES Air Related Programs Annual Reporting Requirements for Certain Sources of Air Pollution
FP 2014-115	DEPARTMENT OF ENVIRONMENTAL SERVICES Drinking Water Programs Groundwater Reclassification
FP 2014-122	POLICE STANDARDS AND TRAINING COUNCIL Firearms Training Requirement

- FP 2014-123 POLICE STANDARDS AND TRAINING COUNCIL
Annual Certification
- FP 2014-124 FISH AND GAME DEPARTMENT
Bear Season and Bear Guide Permits
- FP 2014-155 DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
Amendments to VOC Limits for Consumer Products

Evan Mulholland, representing the Fish and Game Department, testified on Final Proposal 2014-124.

Sen. Reagan moved that the Committee approve the Final Proposals.

Rep. Schmidt seconded.

Adopted.

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

Sen. Reagan moved that the Committee postpone action on the following item to the next Committee meeting:

13. DEPARTMENT OF SAFETY

- (a) INT 2014-11 Mechanical Licensing Board
Initial Fuel Gas Fitting Licensing, Plumbing Licensing, Fuel Gas Trainee Registration,
Plumbing Apprentice Registration, and Business Entity Licensing Rules
(JLCAR Deadline March 11, 2015. Existing emergency rule will expire January 21, 2015.)

Rep. Schmidt seconded.

Adopted.

Sen. Reagan then moved that the Committee postpone action on the following item to the next Committee Meeting:

15. BOARD OF MENTAL HEALTH PRACTICE

- (a) OR 2014-12 License Requirements, Applications, and Fees
(JLCAR Deadline February 20, 2015 before waiver granted of agency's Objection Response deadline.
- (b) OR 2014-14 Ethical and Professional Standards, Responsibilities of Licensees
(JLCAR Deadline February 20, 2015.)

Rep. Schmidt seconded.

Adopted.

10. The Committee discussed Final Proposal 2014-137 from the Department of Environmental Services (Cross-Program Rules, Administrative Fine Procedures). Gretchen Hamel testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated December 15, 2014.

Sen. Reagan moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2014-137 based on the request.

Rep. Schmidt seconded.

Adopted.

11. The Committee discussed Final Proposal 2014-144 from the Fish and Game Department (Nonresident Student License). Evan Mulholland testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated December 15, 2014.

Sen. Reagan moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2014-144 based on the request.

Rep. Sad seconded.

Adopted.

12. The Committee discussed Final Proposal 2014-143 from the Department of Labor (Safety and Health of Public Employees). Christine Farmer testified for the Department.

Rep. Schmidt moved that the Committee make a preliminary objection to Final Proposal 2014-143 on the grounds as outlined in the annotations to the Final Proposal by Committee staff.

Sen. Reagan seconded.

Adopted.

13. The Committee discussed Final Proposal 2014-147 from the Department of Revenue Administration (Prenote Test and Registration Information Changes for Electronic Transfers and Filing). Caroline DeLaney, Revenue Counsel, testified for the Department.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2014-147 on the condition that the words "by completing and submitting" be inserted after the word "department" in Rev 2503.04(a).

Rep. Schmidt seconded.

Adopted.

14. The Committee discussed Final Proposal 2014-148 from the Department of Revenue Administration (Medicaid Enhancement Tax Definitions and Forms). Caroline Delaney, Revenue Counsel, testified for the Department.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2014-148 on the condition that Rev 2303.01(c) be amended and renumber as paragraphs (c) and (d) to read as follows:

“(c) A hospital officer shall sign and date the Form DP-153 in ink, including the officer’s printed name, title, and contact number, and declaring, under penalty of perjury, that the officer has examined the return and, to the best of the officer’s belief, the return is correct and complete.

(d) If the return is prepared by a person other than the taxpayer, then the preparer shall also sign and date the form in ink, including the preparer’s printed name, tax identification number, address, and telephone number, and thereby make the same declaration in (c) but also affirming that the declaration in (c) is based on all information of which the preparer has knowledge.”

Rep. Sad seconded.

Adopted.

The Chair directed Committee staff to remind agencies to notify policy committee chairs pursuant to RSA 541-A:10, I if new rules implement newly-enacted authority.

15. The Committee discussed Proposed Interim Rule INT 2014-12 from the Department of Safety (Road Toll Administration Rules). David Hilts testified for the Department.

Rep. Hatch arrived during the discussion of this item.

Sen. Reagan moved that the Committee conditionally approve Proposed Interim Rule INT 2014-12 on the condition that Saf-C 311.41(c) be inserted to read: “The applicant shall, as soon as is practicable, notify the bureau of a change in the information submitted on the form.”

Rep. Schmidt seconded.

Adopted.

16. The Committee discussed the response by the Department of Safety to the Committee’s preliminary objection to Final Proposal 2013-222 (Readoption of Marketing, Sales, and Possession of Fireworks Rules). Marta Modigliani and J. William Degnan, State Fire Marshal, testified for the Department.

The following persons also testified:

Steven Carbone, representing the New Hampshire Fireworks Association.

Chris Vernon, representing North Country Fireworks.

Jarrold Savinelli, representing Fantasy Fireworks, Inc.

Sen. Reagan left the meeting during the discussion of this item.

It was the consensus of the Committee to postpone action on this item so that the Department staff could contact the Commissioner about requesting a revised objection pursuant to RSA 541-A:13, V(d).

17. The Committee discussed the response by the Insurance Department to the Committee's preliminary objection to Final Proposal 2014-91 (Long-Term Care Insurance). Jennifer Patterson testified for the Department.

On behalf of the Department, Ms. Patterson requested a revised objection to Final Proposal 2014-91 pursuant to RSA 541-A:13, V(d) on the same grounds as noted on the preliminary objection, that is, that the proposal was contrary to the public interest.

Rep. Sad moved that the Committee make a revised objection to Final Proposal 2014-91 as requested.

Rep. Schmidt seconded.

Rep. McGuire designated Rep. Hatch as an alternate for Sen. Reagan, who was absent.

The motion was adopted.

18. The Committee discussed the continued meeting scheduled for January 2, 2015.

It was the consensus of the Committee to cancel the meeting on January 2, 2015.

19. Sen. Avard moved that the Committee adjourn.

Sen. Cataldo seconded.

The Committee adjourned at 10:35 a.m.