



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

Action Minutes

DECEMBER 19, 2013

Members Present: Senators Reagan, Cataldo, and Lasky, and Representatives Schmidt, MacKay, Ladd, Kidder*, Barry*, and Hatch*. (*) Indicates alternate member.

(**) Indicates where Part 1, Article 28-a of the N.H. Constitution was an issue in the Committee's discussions or decisions in this meeting. (See Item #10. However, that item was conditionally approved.)

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

Members present at this time, aside from Sen. Reagan, were Sen. Cataldo and Reps. Schmidt, MacKay, Ladd, Kidder, and Barry.

Sen. Reagan designated Rep. Kidder and Rep. Barry as alternates, respectively, for Rep. McGuire and Sen. Rausch, who were absent, and designated that Rep. Hatch would be an alternate for Rep. Sad when he arrives, since Rep. Sad was also absent.

2. The Committee discussed the minutes of the Committee meeting on December 5, 2013.

Rep. Schmidt moved that the minutes be approved.

Rep. Kidder seconded.

Adopted.

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

FP 2013-84 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Decommissioning and Assigned Protection Factors for Respirators

FP 2013-146 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Mental Health and Developmental Services
Employment Services

FP 2013-167 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Use of Money Payments in All Categories of Financial Assistance

Rep. Schmidt moved that the Final Proposals be approved.

Rep. MacKay seconded.

Adopted.

4. The Committee discussed the following Final Proposal from the agency indicated (Consent Agenda – Committee Issuance of Preliminary Objection to Final Proposal):

FP 2013-93 DEPARTMENT OF LABOR
Whistleblowers' Protection Act Posting and Filing Procedures

Rep. Schmidt moved that the Committee make a preliminary objection to Final Proposal 2013-93) based on the Committee staff's annotations to the Final Proposal.

Rep. Kidder seconded.

Adopted.

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

Rep. Ladd moved that the Committee postpone action on the following items to the regular Committee meeting on January 17, 2014:

12. BOARD OF EDUCATION

(b) FP 2013-94 Minimum Standards for Public School Approval
(JLCAR Deadline January 6, 2014.)

13. PUBLIC UTILITIES COMMISSION

(a) FP 2013-124 Tariffs and Special Contracts
(JLCAR Deadline January 21, 2014.)

Rep. Schmidt seconded.

Adopted.

Rep. Schmidt then moved that the Committee request the Director of the Office of Legislative Services to waive the Committee deadline of January 6, 2014 to act on Final Proposal 2013-94 and set a new deadline of January 17, 2014.

Rep. MacKay seconded.

Adopted.

6. The Committee discussed Final Proposal 2013-156 from the Insurance Department (Early Offers for Medical Injury Claims – Reporting). Deborah O'Loughlin and Deborah Stone testified for the Department.

The Department had submitted a request for conditional approval in a letter and amended rule dated December 11, 2013.

Sen. Lasky arrived during the discussion of this item.

Rep. Schmidt moved that the Committee accept the conditional approval request with a further amendment to insert "12-20-13" immediately after the word "Report" in Ins 4901.04(b)(2), and conditionally approve Final Proposal 2013-156 based on the request, as amended.

Rep. Kidder seconded.

Adopted.

- 7 The Committee discussed Proposed Interim Rule INT 2013-16 from the Department of Employment Security (Successive Benefit Year Earnings Requirement). Marie-Helene Bailinson testified for the Department.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2013-16.

Rep. MacKay.

Adopted.

8. The Committee discussed Proposed Interim Rule INT 2013-18 from the Department of Employment Security (Employee Leasing, Registration for Work, Earnings from Self-Employment and Voluntary Leaving of Incidental Employment). Marie-Helene Bailinson testified for the Department.

Rep. Kidder moved that the Committee approve Proposed Interim Rule INT 2013-18.

Rep. Barry seconded.

Adopted.

9. The Committee discussed Final Proposal 2013-160 from the Department of Environmental Services (Wetlands Programs, Certified Culvert Maintainer Program). Peter Demas and Rene Pelletier testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2013-160.

Rep. MacKay seconded.

Adopted.

- **10. The Committee discussed Final Proposal 2013-164 from the Department of Environmental Services (Hazardous Waste Programs, Hazardous Waste Coordinator Certification Program; Initial Generator Notification Fee). Peter Demas, Wendy Bonner, and John Duclos testified for the Department.

The Department had submitted a request for conditional approval in a letter and amended rule dated December 17, 2013.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-164 based on the request.

Rep. Kidder seconded.

Adopted.

11. The Committee discussed Final Proposal 2013-85 from the Milk Sanitation Board (Milk Sanitation Rules). Michael Holt and Chuck Metcalf of the Department of Health and Human Services testified for the Board.

Rep. Hatch arrived in the meeting during the discussion of this item, and was now an alternate for Rep. Sad, who was absent.

Rep. Schmidt moved that the Committee approved Final Proposal 2013-85.

Rep. Hatch seconded.

Adopted.

12. The Committee discussed Final Proposal 2013-102 from the Department of Health and Human Services (Former Division of Public Health Services, Waiver of Registration of Radiation Machines and Providers of Services). Michael Holt testified for the Department.

The Department had submitted a request for conditional approval in a letter and amended rule dated December 18, 2013.

Rep. MacKay moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-102 based on the request.

Rep. Kidder seconded.

Adopted.

13. The Committee discussed Proposed Interim Rule INT 2013-17 from the Public Utilities Commission (Group Net Metering).

Sen. Lasky moved that the Committee approve Proposed Interim Rule INT 2013-17.

Rep. Barry seconded.

Adopted.

14. After a break, with Sens. Reagan, Cataldo, and Lasky, and Reps. Schmidt, MacKay, Ladd, Kidder, Barry, and Hatch present, the Committee discussed Final Proposal 2013-111 from the Board of Education (Professional Credentials and Elementary Math Specialist).

The Board had submitted a request for conditional approval in an amended rule dated December 19, 2013.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-111 based on the request.

Sen. Cataldo seconded.

Adopted.

15. The Committee discussed Final Proposal 2013-91 from the Department of Health and Human Services (Former Division of Human Services, Medicaid Non-Covered Services). Lisabritt Solsky and Valerie King testified for the Department.

The Department had submitted a request for conditional approval in a letter and amended rule dated December 18, 2013.

The following persons also testified:

- Bonnie Dunham of Merrimack, N.H. who also submitted written testimony in the meeting.
- Sandra Plocharczyk, representing the N.H. School Administrators Association, which had also submitted written testimony prior to the meeting.
- Karen Rosenberg, representing the Disabilities Rights Center, Inc., which had also submitted written testimony prior to the meeting.
- Karen M. Blake of North Woodstock, N.H., who also submitted written testimony in the meeting.

The following persons registered their opposition to the rules but did not speak:

- Gretchen Roussin, representing the Rochester School District, who submitted written testimony in the meeting.
- Chris Rueggeberg, representing the N.H. Developmental Disabilities Council, who submitted written testimony in the meeting.

The following organizations had also submitted written testimony:

- New Hampshire Family Voices of Concord, N.H., prior to the meeting.
- New Hampshire Association of Special Education Administrators, Inc., prior to the meeting.
- New Hampshire Medical Care Advisory Committee, prior to the meeting.
- New Hampshire Hospital Association, in the meeting.

Senator Cataldo moved that the Committee accept the Department's conditional approval request and conditionally approve Final Proposal 2013-91 based on the request.

Rep. Barry seconded.

Adopted.

Sen. Reagan noted for the record that Sen. Lasky, Rep. Ladd, and Rep. Hatch voted "no", and that the final vote was 6 "yes" and 3 "no".

16. The Committee discussed the continued Committee meeting scheduled for January 3, 2014.

It was the consensus of the Committee to cancel the continued meeting, so that the next meeting would be the regular meeting on January 17, 2014.

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