



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

Action Minutes

FEBRUARY 21, 2014

Members Present: Senators Reagan and Cataldo, and Representatives Schmidt, McGuire, MacKay, Rogers, and Kidder*. (*) 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 at 9:02 a.m. by Sen. Reagan as Chair.

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

Sen. Reagan designated Rep. Kidder as an alternate for Rep. Ladd, who was absent.

Rep. Rogers had been appointed as a regular member by the House Speaker to replace Rep. Sad.

2. The Committee discussed the minutes of the Committee meeting on February 7, 2014.

Rep. Schmidt moved that the minutes be approved.

Sen. Cataldo seconded.

Adopted.

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

FP 2013-142 BOARD OF LICENSING FOR FORESTERS
Rules Regarding Explanation after Adoption

FP 2013-143 BOARD OF LICENSING FOR FORESTERS
Applications, Fees, Qualifications of Applicants, Examinations, License Renewal,
Disciplinary Matters, Continuing Education, Ethical and Professional Conduct,
Administrative Fines, and License Surrender

FP 2013-163* BOARD OF REGISTRATION OF FUNERAL DIRECTORS AND EMBALMERS
Continued Status - Ongoing Requirements
**The only substantive issue with this final proposal is that the agency continued to operate under expired rules as noted in the fiscal impact statement.)*

FP 2013-208 DEPARTMENT OF EMPLOYMENT SECURITY
Criteria Relative to Earnings of Non-resident Alien F, J, M, and Q Visa Holders

- FP 2013-211 FISH AND GAME DEPARTMENT
Intra-Scholastic Fishing Tournaments and Other Miscellaneous Rules
- FP 2013-212 CURRENT USE BOARD
Assessment Ranges for Forest Land Categories, With and Without Stewardship
- FP 2013-213 CURRENT USE BOARD
Assessment Ranges for Unproductive Land and Wetland Categories
- FP 2013-223 DEPARTMENT OF REVENUE ADMINISTRATION
Tobacco Tax
- FP 2013-224 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Mental Health and Developmental Services
Staff Qualifications and Staff Development Requirements for
Developmental Service Agencies
- FP 2013-226 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Bicycle Protective Headgear Regulations

Rep. Schmidt moved that the Committee approve the Final Proposals.

Rep. MacKay seconded.

Adopted.

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

Rep. McGuire moved that the Committee postpone action on the following items to the continued Committee meeting on March 7, 2014:

15. 10:15 a.m. PUBLIC UTILITIES COMMISSION

- OR 2013-51 Rules for Telephone Utilities
(JLCAR Deadline April 22, 2014.)
(Response not yet received.)

16. 10:20 a.m. DEPARTMENT OF AGRICULTURE, MARKETS, AND FOOD

- OR 2013-150 Animal Population Control Program
(JLCAR Deadline April 22, 2014.)
(Response not yet received.)

17. 10:25 a.m. DEPARTMENT OF SAFETY

OR 2013-105 Motorcycle Rider Education Program Rules
(JLCAR Deadline May 13, 2014.)
(Response not yet received.)

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Final Proposal 2013-214 from the Current Use Board (Form CU-12, Summary of Forest Stewardship Plan).

The Board had submitted a conditional approval request in a letter and amended rule dated February 18, 2014.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-214 based on the request.

Rep. MacKay seconded.

Adopted

6. The Committee discussed Final Proposal 2013-158 from the Governing Board of Recreational Therapists (Initial Application Form, Required Documents, and Initial Eligibility Requirements).

Rep. McGuire moved that the Committee approve Final Proposal 2013-158.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2013-159 from the Governing Board of Recreational Therapists (Renewal Procedures, Renewal Application Form, Continuing Competency, Continuing Competency Audit Procedures, Lapsed License Reinstatement, Supporting Materials, Administrative Obligations).

Rep. Schmidt moved that the Committee approve Final Proposal 2013-159.

Rep. McGuire seconded.

Adopted.

8. The Committee discussed Final Proposal 2013-185 from the Department of Health and Human Services (Former Division of Elderly and Adult Services, Older Americans Act Services (Title III)). Michael Holt testified for the Department.

Rep. MacKay moved that the Committee approve Final Proposal 2013-185.

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed Final Proposal 2013-155 from the Department of Resources and Economic Development (Rules for the Division of Forests and Lands). Susan Frazier and Capt. John Dodge testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated February 13, 2014.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-155 based on the request, and recommend that the Department seek legislation to clarify whether, when establishing quarantines pursuant to RSA 227-G:4, VIII-a and RSA 227-K:2, III, the Department is required to adopt the language of such quarantines as rules pursuant to RSA 541-A.

Rep. McGuire seconded.

Adopted.

10. The Committee discussed Final Proposal 2013-157 from the Oil Fund Disbursement Board (Waiver of Import Fee Penalties and Interest). Timothy Denison of the Department of Environmental Services testified for the Board.

Rep. McGuire moved that the Committee approve Final Proposal 2013-157.

Rep. Kidder seconded.

Adopted.

11. The Committee discussed Final Proposal 2013-144 from the Department of Environmental Services (Air Related Programs, VOC Limits for Consumer Products). Karla McManus testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2013-144.

Rep. Schmidt seconded.

Adopted.

12. The Committee discussed the emergency rule filed by the Department of Environmental Services, effective February 11, 2014 (Document #10521) (Solid Waste Programs, Applicability of Wood Ash Requirements and Exemptions Therefrom).

The Committee took no further action, and Rep. McGuire stated that authority exists for the emergency rule.

It was the consensus of the Committee to commend the Department.

13. The Committee discussed Final Proposal 2013-227 from the Board of Barbering, Cosmetology, and Esthetics (Shop License, School License, School and Shop Additional Requirements). Kathryn Wantuck represented the Board.

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2013-227 on the grounds as stated in the annotations to the Final Proposal by Committee Staff.

Rep. Schmidt seconded.

Adopted.

14. The Committee discussed Final Proposal 2013-162 from the Board of Registration of Funeral Directors and Embalmers (Registration and Licensure).

The Board had submitted a conditional approval request in an amended rule submitted on February 20, 2014.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-162 based on the request.

Rep. Kidder seconded.

Adopted.

15. As "other business", the Committee discussed the response by the Board of Education to the Committee's conditional approval on January 17, 2014 of Final Proposal 2013-94 (Minimum Standards for Public School Approval). In the response the Board had made additional changes to the rules otherwise not specifically authorized in the conditional approval.

Rep. McGuire moved that the Committee consider the additional changes in the conditional approval response to be editorial.

Rep. Kidder seconded.

Adopted.

16. The Committee recessed by consensus at 9:28 a.m.