



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

Action Minutes

APRIL 15, 2016

Members Present: Senators Reagan, Cataldo, Feltes, and Daniels*, and Representatives Schmidt, Kidder, 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 #7. However, that item was approved.)

1. The meeting was convened at 9:01 a.m. by Sen. Reagan, Vice-Chair, as Acting Chair.

Members present at this time, aside from Sen. Reagan were Sens. Cataldo and Daniels and Reps. Schmidt, Kidder, and Hatch.

Sen. Reagan designated Sen. Daniels and Rep. Hatch as alternates, respectively, for Sen. Watters and Rep. Sad, who were absent.

2. The Committee discussed the minutes of the Committee meetings on March 18, 2016, and April 1, 2016.

Sen. Feltes arrived during the discussion of this item.

Rep. Kidder moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

3. The Committee discussed the following items on the Consent Agenda (Final Proposals, Proposed Interim Rules, and Expedited Revisions to Agency Forms):

FP 2015-199 BOARD OF EDUCATION
Health Educator and Health Education

FP 2016-7 INSURANCE DEPARTMENT
Military Sales Practice

FP 2016-15 FISH AND GAME DEPARTMENT
2016 Cod and Haddock Update

FP 2016-17 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Expiring Rules Related to Definitions and Fees and Supplies Reimbursement for the New Hampshire Employment Program (NHEP)

FP 2016-18 FISH AND GAME DEPARTMENT
2016 Inland Fisheries Update

- INT 2016-8 DEPARTMENT OF REVENUE ADMINISTRATION
Various Expired Sections of Procedural Rules
- INT 2016-9 MIDWIFERY COUNCIL
Procedural Rules
- EXRF 2016-2 LOTTERY COMMISSION
Racing and Charitable Gaming Division
Bingo Application for Commercial Bingo Hall License
- EXRF 2016-3 LOTTERY COMMISSION
Racing and Charitable Gaming Division
Two Lucky 7 Forms
- EXRF 2016-4 LOTTERY COMMISSION
Racing and Charitable Gaming Division
Two Bingo/Lucky 7 Forms and Two Monthly Financial Report Forms for Bingo and Lucky 7

Rep. Schmidt moved that the Committee approve the items on the Consent Agenda except for Proposed Interim Rule INT 2016-9.

Rep. Hatch seconded.

Adopted.

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

Rep. Schmidt moved that the Committee postpone action on the following item to the next Committee meeting.

14. DEPARTMENT OF HEALTH AND HUMAN SERVICES

- OR 2015-203 Former Division of Public Health Services
Immunization/Vaccination Registry
(JLCAR Deadline June 21, 2016.)
(Response not yet filed. Response due by May 2, 2016.)

Rep. Hatch seconded.

Adopted.

5. The Committee discussed the following Proposed Interim Rules from the Midwifery Council:

- INT 2016-9 Procedural Rules
- INT 2016-10 Continued Status and Scope of Practice

Robert Lamberti from the Office of Professional Licensure and Certification testified for the Midwifery Council.

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

The following persons also testified:

Kathryn Noble.

Audrey Fox.

Rep. Schmidt moved that the Committee approve Proposed Interim Rules INT 2016-9 and INT 2016-10.

Rep. Hatch seconded.

Adopted.

6. The Committee discussed Final Proposal 2015-196 from the Board of Education (Special Education Administrator). Diana Fenton and Virginia Clifford from the Department of Education testified for the Board.

Sen. Feltes returned to the meeting during the discussion of this item.

Rep. Schmidt moved that the Committee approve Final Proposal 2015-196.

Sen. Cataldo seconded.

Adopted.

- **7. The Committee discussed Final Proposal 2016-4 from the N.H. Retirement System (Employer Withdrawal and Allocation of Actuarial Fees). Timothy Crutchfield and Carolyn Johnson testified for the Retirement System.

Sen. Feltes moved that the Committee approve Final Proposal 2016-4.

Sen. Daniels seconded.

Adopted.

Sen. Reagan left the meeting at this time, and Rep. Schmidt became Acting Chair.

8. The Committee discussed Final Proposal 2016-13 from the Department of Agriculture, Markets and Food (Poultry).

Rep. Hatch moved that the Committee approve Final Proposal 2016-13 with the understanding that the Department is prohibited by RSA 541-A:22, I from enforcing expired rules such as Agr 1600 in Final Proposal 2016-13 and that it must adopt expired rules again as swiftly as possible.

Sen. Cataldo seconded.

Adopted.

9. The Committee discussed Final Proposal 2016-20 from the Lottery Commission (Racing and Charitable Gaming Division, Bingo – Merger to Lottery). Valerie King testified for the Commission.

Sen. Reagan returned to the meeting during the discussion of this item.

Rep. Hatch moved that the Committee approve Final Proposal 2016-20.

Rep. Kidder seconded.

Adopted.

Sen. Reagan as Vice-Chair assumed the role of Acting Chair again at this time.

10. The Committee discussed Final Proposal 2016-21 from the Lottery Commission (Racing and Charitable Gaming Commission, Lucky 7 – Merger to Lottery). Valerie King testified for The Commission.

Rep. Schmidt moved that the Committee approve Final Proposal 2016-21.

Sen. Feltes seconded.

Adopted.

11. The Committee discussed Final Proposal 2016-22 from the Lottery Commission (Racing and Charitable Gaming Division, Games of Change – Merger to Lottery). Valerie King testified for the Commission.

Rep. Schmidt moved that the Committee approve Final Proposal 2016-22.

Sen. Daniels seconded.

Adopted.

12. The Committee discussed Proposed Expedited Revisions to Agency Forms EXRF 2016-5 from the Lottery Commission (Games of Chance Forms). Valerie King testified for the Commission.

Sen. Feltes moved that the Committee approve Proposed Expedited Revisions to Agency Forms EXRF 2016-5.

Sen. Cataldo seconded.

Adopted.

13. The Committee discussed Final Proposal 2016-4 from the Board of Medicine (Opioid Prescribing Rules). Sarah Blodgett and Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

Sen. Feltes moved that the Committee approve Final Proposal 2016-4.

Rep. Kidder seconded.

Adopted. It was noted for the record that Sen. Daniels voted “no”.

14. The Committee discussed the response by the Fish and Game Department to the Committee’s preliminary objection on April 1, 2016 to Final Proposal 2015-206 (Limited Bobcat Season).

Since the Final Proposal had been withdrawn, the Committee took no further action.

Action Minutes

April 15, 2016

Page 5

15. It was the consensus of the Committee to cancel the continued Committee meeting scheduled for May 6, 2016.
16. The Committee adjourned by consensus at 9:53 a.m.