



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

JUNE 20, 2014

Members Present: Senators Reagan, and Cataldo, and Representatives Schmidt, McGuire, MacKay, Ladd, Sad, Kidder*, Gottling*, and Hatch*. (*) 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 9:01 a.m. by Sen. Reagan as Chair.

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

Sen. Reagan designated Rep. Gottling and Rep. Kidder as alternates, respectively, for Sen. Lasky and Sen. Rausch, who were absent. Sen. Reagan also designated Rep. Hatch to be the alternate, once Rep. Hatch arrives, for Sen. Watters, who also was absent.

2. The Committee discussed the minutes of the Committee meeting on May 16, 2014.

Sen. Cataldo moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

Rep. Schmidt moved that the Committee postpone action on the following items to the Committee meeting on July 17, 2014:

7. DEPARTMENT OF HEALTH AND HUMAN SERVICES

- (f) INT 2014-4 Former Division of Human Services
Substance Abuse Disorder (SUD) Treatment Services
(JLCAR Deadline September 10, 2014. Implements 2014, 3 (SB 413-FN), most of which was effective March 27, 2014.)

8. DEPARTMENT OF EMPLOYMENT SECURITY

- (a) FP 2014-20 Penalty Weeks under RSA 282-A:164
(JLCAR Deadline July 21, 2014.)

9. DEPARTMENT OF SAFETY

- (a) FP 2013-222 Readoption of Marketing, Sales, and Possession of Fireworks Rules
(JLCAR Deadline July 3, 2014.)

12. DEPARTMENT OF REVENUE ADMINISTRATION

- (a) FP 2014-16 Real Estate Transfer Tax (RETT)
(JLCAR Deadline July 18, 2014.)
- (b) FP 2014-31 Lien Procedures, Installment Payment Agreements, and Settlement Agreements
(JLCAR Deadline July 14, 2014.)
- (c) FP 2014-36 Financial Accounting for Counties
(JLCAR Deadline July 21, 2014.)

Sen. Cataldo seconded.

Adopted.

4. The Committee discussed requesting a waiver from the Director of the Office of Legislative Services of the Committee's July 3 deadline to act on Final Proposal 2013-222 and the July 14 deadline to act on Final Proposal 2014-31, so that these Final Proposals could be heard at the regular Committee meeting on July 17, 2014.

Rep. Schmidt moved that the Committee request a waiver of the Committee's deadlines for Final Proposal 2013-222 and Final Proposal 2014-31.

Sen. Cataldo seconded.

Adopted.

5. The Committee discussed the following Final Proposals (Consent Agenda – Final Proposal(s)):

- FP 2013-136 BOARD OF TAX AND LAND APPEALS
Organizational Rules for the Board of Tax and Land Appeals
- FP 2013-139 BOARD OF TAX AND LAND APPEALS
Notice of Tax Date, Exemptions from Property Tax, and Filing Fees
- FP 2014-34 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Vision Care Services
- FP 2014-41 DEPARTMENT OF EMPLOYMENT SECURITY
Work Registration
- FP 2014-42 DEPARTMENT OF EMPLOYMENT SECURITY
Earning from Self-Employment

FP 2014-43 DEPARTMENT OF EMPLOYMENT SECURITY
Voluntary Leaving of Incidental Employment

FP 2014-46 INSURANCE DEPARTMENT
Suitability in Annuity Transactions

Rep. Schmidt moved that Final Proposal 2014-46 be removed from the Consent Agenda and postponed to the regular Committee meeting on July 17, 2014.

Sen. Cataldo seconded.

Adopted.

Rep. Schmidt moved that the Committee approve the Final Proposals except for final Proposal 2014-46.

Rep. Kidder seconded.

Adopted.

6. The Committee discussed the following Final Proposals from the Department of Health and Human Services:

FP 2014-51 Former Division of Human Services
Medicaid Care Management

FP 2014-52 Former Division of Human Services
Health Insurance Premium Payment (HIPPP) Program

FP 2014-53 Former Division of Human Services
Alternative Benefit Plan

FP 2014-54 Former Division of Human Services
Service Limits for Psychotherapy Services

FP 2014-55 Former Division of Human Services
Medicaid Pharmaceutical Services – Cost Sharing

Michael Holt and Jeffrey Meyers testified for the Department.

Rep. Hatch arrived during the discussion of this item.

Rep. Schmidt moved that the Committee approve Final Proposal 2014-51.

Rep. MacKay seconded.

Adopted.

The Department had submitted a conditional approval request for Final Proposal 2014-52 in a letter and amended rule dated June 19, 2014.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2014-52 based on the request.

Rep. Hatch seconded.

Adopted.

Rep. Schmidt then moved that the Committee approve Final Proposal 2014-53.

Rep. MacKay seconded.

Adopted.

Rep. Schmidt then moved that the Committee approve Final Proposal 2014-54.

Rep. MacKay seconded.

Adopted.

Rep. Schmidt then moved that the Committee approve Final Proposal 2014-55.

Rep. MacKay seconded.

Adopted.

7. The Committee discussed Final Proposal 2014-45 from the Department of Health and Human Services (Commissioner, Therapeutic Cannabis Program – Registry Rules). Michael Holt, John Martin, and Mary Castelli testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated June 19, 2014.

Matt Simon, representing the Marijuana Policy Project, also testified.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2014-45 as requested, but with the following amendments: (1) Delete the words “Make reasonable efforts to” in He-C 401.06(b)(5); (2) Delete He-C 401.05(b)(6); (3) Delete He-C 401.09 (n)-(r); and (4) Replace the word “shall” in He-C 401.12(a) with “may”.

Rep. MacKay seconded.

Adopted.

8. The Committee discussed Final Proposal 2014-23 from the Department of Health and Human Services (Former Division of Human Services, New Hampshire Lottery Intercept for Collection of Child Support Arrears). Michael Holt testified for the Department.

Lynda Plante testified for the Lottery Commission.

Rep. Sad moved that the Committee approve Final Proposal 2014-23.

Sen. Cataldo seconded.

Adopted.

9. After a break, with Sens. Reagan and Cataldo, and Reps. Schmidt, McGuire, MacKay, Ladd, Sad, Kidder, and Gottling present, the Committee discussed Final Proposal 2013-210 from the Department of Health and Human Services (Former Division of Human Services, Augmentative and Alternative Communications (AAC) Aid Services). Michael Holt, Valerie King, Jane Hybsch, and Mary Shain testified for the Department.

Rep. Hatch returned to the meeting during the discussion of this item.

The following persons also testified:

Adrienne Mallinson, representing the Disabilities Rights Center.

Michael Skibbie, representing the Disabilities Rights Center.

Rep. McGuire moved that the Committee approve Final Proposal 2013-210.

Rep. Gottling seconded.

Adopted. Sen. Reagan noted for the record that Rep. Ladd voted "no".

"It was the understanding of the Committee that, for an AAC device to be a covered service under He-W 575.04, the device has to comply with paragraphs (a), (b), or (c)."

10. The Committee discussed Final Proposal 2014-40 from the Department of Employment Security (Employee Leasing). Marie-Helene Bailinson and Lon Siel testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated June 19, 2014.

Rep. Ladd moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2014-40 based on the request, with the further amendment to change "requirement" to "requirements" in Emp 307.03(e).

Rep. Sad seconded.

Adopted.

11. The Committee discussed Proposed Interim Rule INT 2014-5 from the Department of Safety (Initial or Vanity Registration Rules). David Hilts and Richard C. Bailey testified for the Department. Chris Ialuna also represented the Department.

Rep. Sad moved that the Committee approve Proposed Interim Rule INT 2014-5.

Rep. Schmidt seconded.

Adopted. Sen. Reagan noted for the record that Rep. McGuire voted "no".

12. The Committee discussed Final Proposal 2013-137 from the Board of Tax and Land Appeals (Rules of Procedure for the Board of Tax and Land Appeals). Anne Stelmach and Michele LeBrun, Board member, testified for the Board.

Rep. Sad moved that the Committee approve Final Proposal 2013-137.

Rep. Ladd seconded.

Adopted.

13. The Committee discussed Final Proposal 2013-138 from the Board of Tax and Land Appeals (Procedural Rules for Specific Types of Appeals). Anne Stelmach and Michele LeBrun, Board member, testified for the Board.

Rep. Kidder moved that the Committee approve Final Proposal 2013-138.

Rep. Sad seconded.

Adopted.

14. The Committee discussed Final Proposal 2014-24 from the Department of Transportation (E-Z Pass Electronic and Other Toll Payments). Kathleen Mulcahy-Hampson and Chris Waszczuk testified for the Department.

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

Rep. Kidder moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2014-24 based on the request.

Rep. Hatch seconded.

Adopted.

15. The Committee discussed Final Proposal 2014-6 from the Higher Education Commission (Scholarships for Orphans of Veterans). Mary Mayo of the Department of Education testified for the Commission.

Rep. Sad moved that the Committee approve Final Proposal 2014-6.

Rep. Gottling seconded.

Adopted.

16. The Committee discussed the response of the Pharmacy Board to the Committee's preliminary objection to Final Proposal 2013-184 (Mail Order Pharmacy).

The Board had submitted an oral request for a revised objection based on the Committee staff's comments to the preliminary objection response.

Rep. Hatch moved that the Committee accept the request and make a revised objection to Final Proposal 2013-184 based on the request.

Rep. Sad seconded.

Adopted.

17. The Committee discussed the Committee's scheduled continued meeting date of June 27, 2014.

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

18. Since there was no other business, the Committee adjourned by consensus at 12:00 p.m.