



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

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

Action Minutes

JULY 19, 2018

Members Present: Senators Reagan, Feltes, French, and Kahn, and Representatives McGuire, Schmidt, Hatch, Lang, Wolf, Ebel*, Matthews*, Sytek*, and Ohm*. (*) 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 9:03 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Feltes, French, and Kahn, and Reps. McGuire, Schmidt, Hatch, Lang, Wolf, Ebel, Matthews, Sytek, and Ohm.

Sen. Reagan designated Rep. Matthews as an alternate for Sen. Avard, who was absent.

2. The Committee discussed the minutes of the Committee meeting on June 15, 2018.

Rep. Lang moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

3. The Committee discussed the following items on the Consent Agenda:

CONSENT AGENDA

2. Committee Approval of Final Proposals:

FP 2018-6	REAL ESTATE APPRAISER BOARD Organizational Rules; Practice and Procedure Rules
FP 2018-14	BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS Public Information; Complaints of Licensee Misconduct; Waivers; Complaints and Investigations; Explanation of Adopted Rules
FP 2018-25	DEPARTMENT OF ENVIRONMENTAL SERVICES Drinking Water Programs Privately Owned Redistribution Systems
FP 2018-30	DEPARTMENT OF EMPLOYMENT SECURITY Records and Reports
FP 2018-31	DEPARTMENT OF EMPLOYMENT SECURITY Payments and Electronic Communications

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- FP 2018-32 DEPARTMENT OF EMPLOYMENT SECURITY
Claimant Requirements
- FP 2018-52 BOARD OF EDUCATION
Basic Academic Skills and Subject Area Assessment
- FP 2018-53 BOARD OF EDUCATION
Math Teacher Certification
- FP 2018-67 DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
Definition of "emergency generator"
- FP 2018-68 DEPARTMENT OF ENVIRONMENTAL SERVICES
Air Related Programs
NOx RACT Rules
- FP 2018-75 DEPARTMENT OF AGRICULTURE, MARKETS, AND FOOD
Seeds
- FP 2018-76 INSURANCE DEPARTMENT
Long-Term Care Insurance, Filing Requirements for Advertising
- FP 2018-78 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Child Support Disbursement Rules
- FP 2018-89 DEPARTMENT OF ENVIRONMENTAL SERVICES
Wetlands Programs
Stream Crossing Rules Scheduled to Expire May 12, 2018
- FP 2018-95 STATE BUILDING CODE REVIEW BOARD
Various Building Code Review Board Practice and Procedure Rules
- FP 2018-99 DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Date of Incorporated Federal Regulations
- FP 2018-101 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
HIV/AIDS NH CARE Program and Tuberculosis Patient Care Financial Assistance
Program
- FP 2018-102 DEPARTMENT OF SAFETY
Various Initial or Vanity Registration Plate Rules

3. Committee Conditional Approvals:

FP 2018-15 BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS
Registration of Licensing Requirements; Renewal Forms; Violation Points for a Shop
and/or Licensee; Ethical Standards; Tanning Owner Requirements

FP 2018-79 INSURANCE DEPARTMENT
Ancillary Health Minimum Standards for Benefits

Rep. McGuire moved that the Committee approve the Consent Agenda, that is, (1) approve the Final Proposals in Item #2 and (2) conditionally approve the Final Proposals in Item #3 based on the agencies' conditional approval requests.

Rep. Lang seconded.

Adopted.

4. It was the consensus of the Committee not to postpone any items to another meeting.
5. The Committee briefly discussed the response by the Fish and Game Department to the Committee's preliminary objection to Final Proposal 2018-39 (Wildlife Seasons Biennial Rulemaking).

The Chair summarized the nature of the ground for the Committee's preliminary objection and that Committee staff review of issues raised by the public prior to the preliminary objection was available by contacting the staff.

6. The Committee discussed the response by the Fish and Game Department to the Committee's preliminary objection to Final Proposal 2018-33 (Off Highway Recreation Vehicles and Snowmobiles). Paul Sanderson testified for the Department.

Don LeClair registered his opposition to the rules but did not speak.

Sen. Feltes moved that the Committee accept the response and approve the rules.

Rep. McGuire seconded.

Adopted.

7. The Committee discussed the response by the Fish and Game Department to the Committee's preliminary objection to Final Proposal 2018-39 (Wildlife Season Biennial Rulemaking). Paul Sanderson represented the Department.

Aside from written testimony received prior to the meeting, the following persons registered their support of the rules but did not speak:

Jordan Hudon, representing N.H. sportsmen.

Tory Hudon, representing N.H. sportsmen.

Jim Fraser, representing NWTF/NHTA.

Brian L. Corson, representing sportsmen and women of N.H.

Louis M. Corson, representing sportsmen and women of N.H.

Matthew Higgins, representing sportsmen and women of N.H.

Ronald Lemoine Jr.
Fred Bird.
Diane Richardson.
Carter Heath.
John Klucky.
Donald Doucette.
Daniel Dockham, Jr.
William F. Carney.
Paul DeBow, representing the N.H. Trappers Association.
Edward L. Vien, representing the N.H. Beagle Club.

The following person did not indicate whether he supported or opposed the rules, but did not speak:
Thomas Shavel, representing Spacetown Beagle Club.

Aside from written testimony received prior to the meeting, the following persons registered their opposition to the rules but did not speak:

Chris Schadler, representing the N.H. Wildlife Coalition.
Weldon Bosworth.
Peter Marsh, representing Voices of Wildlife in N.H.
John R. Kurley.

Rep. McGuire moved that the Committee accept the response and approve the rules.

Sen. Feltes seconded.

Adopted.

8. The Committee discussed Final Proposal 2018-73 from the Insurance Department (Insurance Scores). Marty Mobley, James Fox, and Christian Citerella testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated July 17, 2018.

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

Sen. Reagan designated Rep. Ebel as an alternate for Sen. Feltes.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2018-73 based on the request.

Sen. French seconded.

Adopted.

9. The Committee discussed Final Proposal 2018-86 from the Insurance Department (Corporate Governance Annual Disclosure). Marty Mobley and Douglas Bartlett testified for the Department.

Rep. Ohm left the meeting during the discussion of this item.

Rep. McGuire moved that the Committee approve Final Proposal 2018-86.

Rep. Hatch seconded.

Adopted.

10. The Committee discussed Final Proposal 2018-7 from the Real Estate Appraiser Board (Apprentice Classification, Certificate and License Requirements; Continued Status). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in a memo and amended rules dated July 17, 2018.

Sen. Kahn moved that the Committee conditionally approve Final Proposal 2018-7 based on the request.

Rep. Hatch seconded.

Adopted.

11. The Committee discussed Final Proposal 2018-9 from the Board of Medical Imaging and Radiation Therapy (Requirements for Licensure). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in a memo and amended rules dated July 17, 2018.

Rep. Hatch moved that the Committee conditionally approve Final Proposal 2018-9 based on the request.

Rep. Schmidt seconded.

Adopted.

12. The Committee discussed Final Proposal 2018-10 from the Board of Medical Imaging and Radiation Therapy (Ethical Standards and Scope of Practice). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in a memo and amended rules dated July 17, 2018.

Rep. Hatch moved that the Committee conditionally approve Final Proposal 2018-10 based on the request.

Rep. Schmidt seconded.

Adopted.

13. The Committee discussed Final Proposal 2018-57 from the Board of Mental Health Practice (License Renewal Requirements). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

David Newton, representing the Department of Health and Human Services, also testified.

Rep. Hatch moved that the Committee approve Final Proposal 2018-57.

Rep. McGuire seconded.

Adopted.

14. The Committee discussed Final Proposal 2018-61 from the Board of Acupuncture Licensing (Acupuncture Detoxification Specialists). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in a letter dated July 18, 2018 and amended rules dated July 17, 2018.

Elizabeth Ropp also testified.

Sen. French moved that the Committee conditionally approve Final Proposal 2018-61 as requested but with the amendment that Acp 704.01(e) be deleted and with the recommendation that the Board seek legislative input to the rules.

Rep. Lang seconded.

Adopted.

15. The Committee discussed Final Proposal 2018-97 from the Board of Nursing (Specific Renewal Requirements for an APRN). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in a memo and amended rules dated July 17, 2018.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2018-97 as requested.

Rep. Hatch seconded.

Adopted.

16. The Committee discussed Proposed Interim Rule INT 2018-16 from the Department of Health and Human Services (Commissioner, Certification Payment Standards for Transportation Service Providers). Allyson Zinno and James Panzer testified for the Department.

Rep. McGuire moved that the Committee approve Proposed Interim Rule INT 2018-16 with the understanding that the Department would address in regular rulemaking the issues as outlined in the annotations by Committee staff to the Proposed Interim Rule.

Rep. Schmidt seconded.

Adopted.

17. The Committee discussed Proposed Interim Rule INT 2018-17 from the Department of Health and Human Services (Commissioner, Assessment and Evaluation of Persons Eligible for Involuntary Civil Commitment as Sexually Violent Predators). Allyson Zinno and Michael Holt testified for the Department.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2018-17 with the understanding that the Department would address in regular rulemaking the issues as outlined in the annotations by Committee staff to the Proposed Interim Rule.

Rep. Hatch seconded.

Adopted.

18. The Committee discussed Final Proposal 2017-163 from the Department of Health and Human Services (Commissioner, Therapeutic Cannabis Program – Alternative Treatment Centers). Michael Holt testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated July 17, 2018 as amended by an amended conditional approval request in a letter and amended rules dated July 18, 2018.

Rep. Hatch moved that the Committee conditionally approve Final Proposal 2017-162 based on the conditional approval request as amended by the amended conditional approval request.

Rep. Schmidt seconded.

Adopted.

Sen. Reagan noted for the record that Reps. Matthews and Lang and Sen. French voted “no”.

19. The Committee discussed Final Proposal 2018-40 from the Department of Safety (Unified Carrier Registration Agreement Rules).

The Department had submitted a conditional approval request in amended rules dated July 18, 2018.

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

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2018-40 based on the request.

Rep. Hatch seconded.

Sen. Reagan designated Rep. Sytek as an alternate for Sen. French.

The motion was adopted.

20. The Committee discussed the continued Committee meeting scheduled for August 2, 2018.

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

21. The Committee adjourned by consensus at 10:45 a.m.