



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

Action Minutes

JULY 21, 2016

Members Present: Representatives McGuire, Schmidt, Ladd, Kidder, Sad, and Hatch*, and Senators Reagan, Cataldo, Avard, Feltes, Watters, and Daniels*. (*) Indicates alternate members.

(**) 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 9:00 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Reps. Schmidt, Ladd, Kidder, Sad, and Hatch, and Sens. Reagan, Cataldo, Avard, Watters, and Daniels.

2. The Committee discussed the minutes of the Committee meeting on June 17, 2016.

Rep. Schmidt moved that the minutes be approved.

Sen. Reagan seconded.

Adopted.

Rep. McGuire designated Sen. Daniels as an alternate for Sen. Feltes, who was absent.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals:

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| FP 2016-8 | BOARD OF LICENSURE FOR LAND SURVEYORS
Rules Regarding Office Hours and Records of Board Actions |
| FP 2016-9 | BOARD OF LICENSURE FOR LAND SURVEYORS
Rules Regarding Explanation After Adoption |
| FP 2016-11 | BOARD OF EDUCATION
Special Education Categoricals |
| FP 2016-16 | PASSENGER TRAMWAY SAFETY BOARD
Chair Lift Hanger Inspection Requirements |
| FP 2016-23 | BOARD OF EDUCATION
Comprehensive Family and Consumer Science |
| FP 2016-29 | BOARD OF NURSING
Organizational Rules |

- FP 2016-41 DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Capacity Assurance for Certain Public Water Systems
- FP 2016-48 PEASE DEVELOPMENT AUTHORITY
Use of Assist Tugs; River Pilots Drug Testing and Medical Certifications
- FP 2016-49 PEASE DEVELOPMENT AUTHORITY
Types of Mooring Permits; Transfer of Mooring Permits and Wait List Slots
- FP 2016-68 INSURANCE DEPARTMENT
Electronic Filings
- FP 2016-69 INSURANCE DEPARTMENT
Preneed Life Insurance Minimum Standards for Determining Reserve Liabilities and
Nonforfeiture Values
- FP 2016-73 DEPARTMENT OF REVENUE ADMINISTRATION
Voluntary Disclosure Program

3. *Committee Conditional Approvals:*

- FP 2016-14 DEPARTMENT OF SAFETY
Readoption of Bungee Jumping Rules

Sen. Reagan moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2 and conditionally approve the Final Proposal in Item #3 based on the agency's amended conditional approval request received on July 19, 2016.

Rep. Ladd seconded.

Adopted.

Sen. Feltes arrived in the meeting at this time. Sen. Daniels was no longer a voting member.

4. The Committee discussed Proposed Interim Rule INT 2016-17 from the Assessing Standards Board (Explanation of Adoption of Rules and Conduct of Public Forums). Stephen Hamilton from the Department of Revenue Administration testified for the Board

The Board had submitted a conditional approval request in a letter and amended rule dated July 20, 2016.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Proposed Interim Rule INT 2016-17 based on the request.

Sen. Watters seconded.

Adopted.

5. The Committee discussed Final Proposal 2016-2 from the Board of Psychologists (Organizational Rules, Practice and Procedure, License and Registration Requirements, Applications and Fees, Continued Status, Ethical Standards, Responsibilities of Psychologists, and Professional Misconduct). Robert Lamberti from the Office of Professional Licensure and Certification testified for the Board.

Sen. Reagan moved that the Committee postpone action on Final Proposal 2016-2 to the regular Committee meeting on August 18, 2016 and request a waiver from the Director of the Office of Legislative Services of the Committee's deadline of July 28, 2016 to act on the Final Proposal.

Rep. Ladd seconded.

Adopted.

6. The Committee discussed Final Proposal 2016-10 from the Board of Licensure for Land Surveyors (Rules Regarding Licensure Requirements; Disciplinary Matters, Continued Status, Ethical Standards and Research Standards). 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 and amended rule dated July 19, 2016.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2016-10 based on the request.

Sen. Cataldo seconded.

Adopted.

7. The Committee discussed Final Proposal 2016-3 from the Public Employer Labor Relations Board (Election of Exclusive Representative, Additional Criteria for Determining Appropriate Bargaining Units). Douglas Ingersoll testified for the Board.

Sen. Watters moved that the Committee approve Final Proposal 2016-3 with the understanding that the Board would begin rulemaking this September to create rules describing, or incorporating by reference, all the forms used by the Board.

Sen. Feltes seconded.

Adopted.

It was noted for the record that Rep. Ladd and Sen. Reagan voted "no".

8. The Committee discussed Final Proposal 2016-50 from the Pease Development Authority (Business-Use Piers Restrictions and Emergency Use; Commercial Piers General Restrictions and Limitations). Geno Marconi, Director of the Authority's Division of Ports and Harbors, testified for the Authority.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2016-50 on the condition that Pda 603.11(b) be amended to add at the end of the paragraph the sentence: "The service and

consumption of alcohol pursuant to such a contract shall comply with the relevant provisions of RSA 178, RSA 179, Liq 400, Liq 500, and Liq 700.”

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed Final Proposal 2016-63 from the Insurance Department (Stop Loss Insurance). The Department had submitted a conditional approval request in a letter and amended rule dated July 20, 2016.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2016-63 based on the request.

Rep. Schmidt seconded.

Adopted.

10. The Committee discussed the following Final Proposals from the Site Evaluation Committee:

FP 2016-77 High Pressure Natural Gas Pipeline Definitions

FP 2016-78 Enforcement and High Pressure Natural Gas Pipeline Amendments

Rep. Jack Flanagan testified.

The Committee had received written testimony via e-mail prior to the meeting from the following persons:

Julia Steed Mawson, representing the Pelham Pipeline Awareness Outreach Subcommittee.

Marilyn Lerner.

Richard Husband.

Beverly Edwards, representing the Temple Adhoc Pipeline Advisory Committee.

John Kiely.

David Moloney.

Carol DiPirro.

Gail P. Cromwell.

Sen. Feltes moved that the Committee approve Final Proposals 2016-77 and 2016-78.

Sen. Avard seconded.

Adopted.

11. The Committee had a hearing and discussion on proposed amendments to the Drafting and Procedure Manual For Administrative Rules due to 2016 legislation.

Robert Lamberti, representing the Office of Professional Licensure and Certification, testified.

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Sen. Reagan moved that the Committee approve the proposed amendments as outlined in the memorandum by Committee staff, to be effective July 21, 2016.

Rep. Schmidt seconded.

Adopted.

12. The Committee discussed the continued meeting scheduled for August 4, 2016.

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

13. The Committee adjourned by consensus at 9:50 a.m.