



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

Action Minutes

AUGUST 1, 2013

Members Present: Senators Reagan, Rausch, Cataldo, Watters, and Lasky, and Representatives Schmidt, MacKay, Ladd, Sad, Kidder*, Barry*, 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 the meeting

1. The meeting was convened at 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Rausch, Cataldo, Watters, and Lasky, and Reps. Schmidt, MacKay, Ladd, Sad, Kidder, Hatch, and Barry.

Sen. Reagan designated Rep. Kidder as an alternate for Rep. McGuire, who was absent. At this time, therefore, Rep. Barry and Rep. Hatch were not voting members.

2. The Committee discussed the minutes of the Committee meeting on July 18, 2013.

Rep. Schmidt moved that the minutes be approved.

Rep. Ladd seconded.

Adopted.

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

It was the consensus of the Committee to postpone action on the following items to the Committee meeting on August 15, 2013:

13. 9:30 a.m. PHARMACY BOARD

- (a) OR 2012-174 Limitation on Access
(JLCAR Deadline September 24, 2013.)
(Response not yet received.)
- (b) OR 2012-175 Presence of Pharmacists
(JLCAR Deadline September 24, 2013.)
(Response not yet received.)
- (c) OR 2012-176 Transfer of Prescription
(JLCAR Deadline September 24, 2013.)
(Response not yet received.)

- (d) OR 2012-177 Pharmacist-in-Charge, Corporate Entity Requirements, Duties
(JLCAR Deadline September 24, 2013.)
(Response not yet received.)

14. 10:00 a.m. DEPARTMENT OF SAFETY

- (a) OR 2012-204 Explosive Rules
(JLCAR Deadline October 1, 2013.)
(Response not yet received.)
- (b) OR 2012-205 Various Procedural and Hearing Rules
(JLCAR Deadline October 1, 2013.)
(Response not yet received.)

It was also the consensus of the Committee that the Acting Director of the Office of Legislative Services waive the deadline of the Pharmacy Board under RSA 541-A:13, V(c) (August 5, 2013) to respond to the Committee's objections in Item #13, if the Board requests a waiver.

- 4. The Committee discussed Final Proposal 2013-30 from the Public Utilities Commission (Rules for Water Service). Marcia Brown and Mark Naylor testified for the Commission.

The Commission had requested a conditional approval in a letter and amended rule dated July 30, 2013.

Sen. Watters moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-30 based on the request, but with further amendments to Puc 609.03 and Puc 609.12 in the request as follows (indicating the changes from the Final Proposal):

- 1. Amend and renumber Puc 609.03(b)(6) through (b)(11) as follows:

(b) *Form F-4 shall include the following:*

.....

(6) *Exhibit 5, statement of capitalization ratios after giving effect to the proposed financing; and*

(7) *Exhibit 6, weighted average cost of debt.*

(c) *The utility shall also provide the following:*

(1) *A copy of the purchase and sale agreement for long term financing including any letter of commitment from a lender stating the details of financing;*

~~(8) (2) Exhibit 7, A copy of the mortgage indenture;~~

~~(9) (3) Exhibit 8, A copy of terms of the new common or preferred stock;~~

~~(10) (4) A resolution of petitioner's stockholders, board of directors or other governing body of petitioner, as appropriate, authorizing the proposed financing; and~~

~~(11) (5) An original and 76 copies of the petition and exhibits.~~

- 2. Amend Puc 609.12(m) by deleting the phrase "as described in (m) below".

It was also the understanding that the page from Form E-25 that addresses depreciation and theoretical reserves and proposed amortization would be deleted from the form.

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Final Proposal 2013-31 from the Public Utilities Commission (Rules for Sewer Utilities). Marcia Brown and Mark Naylor testified for the Commission.

The Commission had requested a conditional approval in a letter and amended rule dated July 30, 2013.

Sen. Rausch moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-30 based on the request, but with further amendments and renumbering to Puc 708.06(b)(6) through (b)(11) in the request as follows (indicating the changes from the Final Proposal):

(b) A utility shall include on form F-4 the following:

.....

(6) Exhibit 5, consisting of a statement of capitalization ratios after giving effect to the proposed financing; and

(7) Exhibit 6, consisting of a weighted average cost of debt.

(c) The utility shall also provide the following:

(1) ~~consisting of a~~ A copy of the purchase and sale agreement for long-term financing including any letter of commitment from a lender stating the details of financing;

~~(8) (2) Exhibit 7, A~~ copy of the mortgage indenture;

~~(9) (3) Exhibit 8, consisting of a~~ A copy of terms of the new common or preferred stock;

~~(10) (4) An~~ Appropriate authorizing resolution of petitioner's stockholders or other group or body whose consent is necessary to authorize the petitioner to enter into the new financing; and

~~(11) (5) An original and 76~~ copies of the petition and exhibits.

It was also the understanding that the page on Form E-25 that addresses depreciation and theoretical reserves and proposed amortization would be deleted from the form.

Rep. Schmidt seconded.

Adopted.

6. The Committee discussed a disagreement between the Department of Environmental Services and the Office of Legislative Services about which rules of procedure shall be recorded as non-expiring rules pursuant to RSA 541-A:17, II and the Drafting and Procedure Manual for Administrative Rules.

Peter Demas testified for the Department.

No further action was taken by the Committee, but it was the consensus of the Committee to support the position of the Office of Legislative Services and have Committee staff bring amendments to the Manual on this issue to the Committee for review.

7. Rep. Schmidt moved that the Committee adjourn.

Sen. Watters seconded.

Adopted.

The Committee adjourned at 10:35 a.m.