



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

**Action Minutes**

**SEPTEMBER 18, 2014**

**Members Present:** Senators Reagan, Cataldo, and Watters, and Representatives Schmidt, McGuire, MacKay, Ladd, Sad, Kidder\*, Gottling\*, 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 this meeting.

1. The meeting was convened at 9:05 a.m. by Sen. Reagan as Chair.

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

Sen. Reagan designated Rep. Gottling and Rep. Kidder as alternates, respectively, for Sen. Lasky and Sen. Rausch, who were absent. At this time, Rep. Barry and Rep. Hatch were not voting members.

2. The Committee discussed Final Proposal 2014-44 from the Department of Health and Human Services (Former Division of Public Health Services, Immunization Registry). Michael Holt testified for the Department.

Laura Condon also testified.

Sen. Cataldo moved that the Committee postpone action on Final Proposal 2014-44 to the continued Committee meeting on October 2, 2014.

Rep. McGuire seconded.

Adopted.

3. The Committee discussed the minutes of the Committee meeting on August 21, 2014.

Sen. Cataldo moved that the minutes be approved.

Rep. MacKay seconded.

Adopted.

4. The Committee discussed the following Final Proposals (Consent Agenda – Final Proposals):

FP 2014-30 DEPARTMENT OF EMPLOYMENT SECURITY  
Fees for Claimants, Destruction of Records, and Various Employer, Administration and Claimant Requirements

FP 2014-62 BOARD OF LICENSED DIETICIANS  
Request for Explanation of Adopted Rules

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- FP 2014-83 DEPARTMENT OF REVENUE ADMINISTRATION  
Financial Accounting for Village Districts
- FP 2014-93 FISH AND GAME DEPARTMENT  
Freshwater Fishing Rules (Salmon, misc.)
- FP 2014-97 BOARD OF LANDSCAPE ARCHITECTS  
Rules Regarding Explanation After Adoption
- FP 2014-98 BOARD OF LANDSCAPE ARCHITECTS  
Rules Regarding Application and Qualifications for Licensure, Fees, Renewals, Continuing Education, and Ethical Standards
- FP 2014-112 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Distribution of Support Payments  
(*JLCAR Deadline October 20, 2014.*)

Rep. McGuire moved that the Final Proposals be approved, with the exception of Final Proposal 2014-98.

Rep. Schmidt seconded.

Adopted.

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

Rep. McGuire moved that the Committee postpone action on the following items:

**7. DEPARTMENT OF REVENUE ADMINISTRATION**

- (b) FP 2014-58 Meals and Rentals Tax  
(*JLCAR Deadline October 20, 2014.*)

**8. DEPARTMENT OF EMPLOYMENT SECURITY**

- FP 2014-20 Penalty Weeks under RSA 282-A:164  
(*JLCAR Deadline September 18, 2014.*)  
(*Formerly Item #8(a) on 6-20-14 agenda, Item #10 on 7-17-14 agenda, and Item #8 on 8-21-14 agenda.*)

**9. DEPARTMENT OF SAFETY**

- FP 2013-222 Commissioner  
Readoption of Marketing, Sales, and Possession of Fireworks Rules  
(*JLCAR Deadline September 18, 2014.*)  
(*Formerly Item #9(a) on 6-20-14 agenda, Item #16 on 7-17-14 agenda, and Item #14 on 8-21-14 agenda.*)

**15. NH LOTTERY COMMISSION**

- (a) OR 2014-38 Rules for Sales Agents  
(*JLCAR Deadline November 25, 2014.*)  
(*Response not yet received. Response due October 6, 2014.*)

- (b) OR 2014-39 Rules for Prize Claims  
*(JLCAR Deadline November 25, 2014.)*  
***(Converted from conditional approval. Objection Response not yet received. Response due October 6, 2014.)***

**16. PHARMACY BOARD**

- (a) OR 2014-66 Pharmacy Technicians  
*(JLCAR Deadline November 25, 2014.)*  
***(Response not yet received. Response due October 6, 2014.)***
- (b) OR 2014-67 Pharmacy Interns  
*(JLCAR Deadline November 25, 2014.)*  
***(Response not yet received. Response due October 6, 2014.)***

Sen. Watters seconded.

Adopted.

6. The Committee discussed requesting a waiver from the Director of the Office of Legislative Services of the Committee's September 18, 2014 deadline to act on Final Proposal 2014-20 from the Department of Employment Security (Penalty Weeks under RSA 282-A:164) and Final Proposal 2013-222 from the Department of Safety (Commissioner, Readoption of Marketing, Sales, and Possession of Fireworks Rules).

Sen. Watters moved that the Committee request a waiver.

Sen. Cataldo seconded.

Adopted.

7. The Committee discussed Final Proposal 2014-31 from the Department of Revenue Administration (Lien Procedures, Installment Payment Agreements, and Settlement Agreements). Caroline Delaney and Philip E. Lawrence testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated September 2, 2014.

Sen. Watters moved that the Committee accept the conditional approval request, and conditionally approve Final Proposal 2014-31 based on the request, with the further amendment to add a new rule Rev 2908.01 based on RSA 21-J:43 to read: "The department shall modify or terminate an installment payment agreement if it determines that the financial condition of the taxpayer has sufficiently changed or that the taxpayer has not complied with the terms of the installment agreement. The department shall give written notice to the taxpayer at least 30 days before the action terminating or modifying the agreement."

Rep. McGuire seconded.

Adopted.

8. The Committee discussed Final Proposal 2014-29 from the Insurance Department (Accident and Health Travel Insurance). Michael Wilkey and Deborah O'Loughlin testified for the Department.

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The Department had submitted a conditional approval request in a letter and amended rule dated September 15, 2014.

Rep. McGuire moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2014-29 based on the request, with the further amendment to replace the words "shall not be major medical coverage" with the words "shall not be regulated as major medical coverage" in Ins 4701.02(a) and Ins 4702.02(a).

Sen. Cataldo seconded.

Adopted.

9. The Committee discussed Final Proposal 2014-32 of the Department of Environmental Services (Water Quality and Quantity Programs, Standards of Design and Construction of Sewerage and Wastewater Treatment Facilities). Peter Demas and Sharon Rivard testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2014-32 with the recommendation to clarify RSA 541-A regarding incorporation by reference to address the comments of Committee staff to the Final Proposal.

Rep. MacKay seconded.

After further discussion, Rep. Schmidt withdrew his motion, and Rep. MacKay his second, and moved that the Committee postpone action on Final Proposal 2014-32 to the continued Committee meeting on October 2, 2014.

Rep. Ladd seconded.

Adopted.

10. The Committee discussed Final Proposal 2014-98 from the Board of Landscape Architects (Rules Regarding Application and Qualifications for Licensure, Fees, Renewals, Continuing Education, and Ethical Standards). Louise Lavertu of the Joint Board of Licensure and Certification testified for the Board of Landscape Architects and provided budget data to the Committee.

Rep. Kidder, Rep. Ladd, and Sen. Watters left the meeting during the discussion of this item.

Rep. Barry and Rep. Hatch were designated as alternates, respectively, for Sen. Rausch and Rep. Ladd, who were absent.

Rep. McGuire moved that the Committee approve Final Proposal 2014-98.

Sen. Cataldo seconded.

Adopted.

11. The Committee discussed Final Proposal 2014-63 from the Board of Licensed Dietitians (Licensure Requirements, Continued Status, and Ethical Standards). Carole Richardson and Nancy Johnson represented the Board.

Rep. McGuire moved that the Committee approve Final Proposal 2014-63.

Rep. Schmidt seconded.

Adopted.

Senator Watters returned to the meeting at this time.

12. After a break, with Sens. Reagan, Cataldo, and Watters, and Reps. Schmidt, McGuire, Ladd, Sad, Gottling, Barry, and Hatch present, the Committee discussed Final Proposal 2014-33 from the Department of Health and Human Services (Commissioner, Central Registry). Michael Holt and Susan Hallett-Cook testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated September 12, 2014.

Rep. McGuire moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2014-33 based on the request.

Sen. Watters seconded.

Adopted.

13. The Committee discussed Final Proposal 2014-107 from the Department of Health and Human Services (Former Division of Human Services, Utility Expenses Incurred Separately). Michael Holt, Catherine Bernhard, and Kerry Nelson testified for the Department.

Reps. Gottling and Barry left the meeting during the discussion of this item.

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2014-107 on the grounds as outlined in the Committee staff's annotations on page 2 of the Final Proposal.

Rep. Ladd seconded.

After further discussion, Rep. McGuire amended her motion to move that the Committee approve Final Proposal 2014-107 with the understanding that, after performing the annual update of the standard utility allowance (SUAs) required by He-W 742.02(1), the Department will provide an appendix to the Office of Legislative Services containing the dollar amounts of the updated SUAs to be included editorially with the adopted rule.

Sen. Watters seconded.

Rep. Hatch was designated as an alternate for Rep. MacKay, since Rep. Ladd was now present.

Adopted.

14. The Committee discussed Final Proposal 2014-110 from the Department of Health and Human Services (Former Division of Human Services, Personal Care Attendant Services). Michael Holt and Kimberly Reeve testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated September 17, 2014.

The following persons testified:

Clyde Terry, representing Granite State Independent Living.  
Dan Hebert, of Concord, N.H.

It was the consensus of the Committee to recess action on this item until after a break in order that the Department staff could discuss the rules with stakeholders.

15. The Committee discussed the response by the Board of Dental Examiners to the Committee's preliminary objection to Final Proposal 2014-79 (Licensure by Examination; Organization of the Board; and Complaints of Licensee Misconduct).

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

Sen. Cataldo seconded.

Adopted.

16. The Committee discussed the response by the Board of Dental Examiners to the Committee's preliminary objection to Final Proposal 2014-80 (Licensure Applications; EFDA Qualifications; Jurisprudence Exam; Anesthesia/Sedation).

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

Sen. Watters seconded.

Adopted.

17. After a break, with Sens. Reagan, Cataldo, and Watters, and Reps. Schmidt, McGuire, Ladd, Sad, Gottling, and Hatch present, the Committee discussed again Final Proposal 2014-110 from the Department of Health and Human Services (Former Division of Human Services, Personal Care Attendant Services). Michael Holt testified for the Department.

Sherrie Lemelin of Dover, N.H. also testified.

Rep. McGuire moved that the Committee accept the Department's conditional approval request dated September 17, 2014, and conditionally approve Final Proposal 2014-110 based on the request.

Sen. Cataldo seconded.

Adopted.

18. Rep. Schmidt moved that the Committee recess.

Sen. Cataldo seconded.

Adopted.

The Committee recessed at 12:15 p.m., thereby postponing action on the following item to the Committee meeting on October 2, 2014:

**OTHER BUSINESS**

*17.*