



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

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VOLUME XL, Number 2, January 9, 2020

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NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

REGULAR MEETING: **Friday, January 17, 2020 9:00 a.m.**
Rooms 306/308, Legislative Office Building

CONTINUED MEETING: **Friday, February 7, 2020 9:00 a.m.**
Rooms 306/308, Legislative Office Building

a.	List of Final Proposals, Proposed Interim Rules, and Objection Responses for Review	6
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See 2020 JLCAR Meeting dates and deadlines on page i.

**JLCAR MEETING DATES AND RELATED FILING DEADLINES
JANUARY-JUNE, 2020**

The JLCAR has voted to hold its regularly scheduled meetings for January through June, 2020 on the third Friday of the month as listed below, except as noted. The minimum 14-day “deadline” prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules* for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Fridays to address items postponed from the prior regular meetings.

Regular Meeting Filing Deadline*	Regular Meeting Date	Continued Meeting Date
January 3	January 17	February 7
February 7	February 21	March 6
March 6	March 20	April 3
April 3	April 17	May 1
May 1	May 15	June 5
June 5	June 19	June 26

***NOTE:** The filing deadlines relate to JLCAR meetings pursuant to RSA 541-A. However, if a proposed interim rule is filed with a rulemaking notice for publication in the *Rulemaking Register*, be aware that Thursdays—not Fridays—remain the filing deadline under the *Drafting and Procedure Manual for Administrative Rules* to have the rulemaking notice published the following week. Therefore, filing the notice together with the proposed interim rule no later than the Thursday before the 14-day statutory deadline would assure that both the 14-day deadline for filing the rule and the deadline for publication in the *Rulemaking Register* would be met. See description in §3.3 of Chapter 3 of the *Drafting and Procedure Manual for Administrative Rules*.

**JLCAR MEETING DATES AND RELATED FILING DEADLINES
JULY-DECEMBER, 2020**

The JLCAR has voted to hold its regularly scheduled monthly meetings for July through December, 2020 on the third Thursday of the month as listed below. The minimum 14-day “deadline” prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
July 2	July 16	August 6
August 6	August 20	September 3
September 3	September 17	October 1
October 1	October 15	November 5
November 5	November 19	December 3
December 3	December 17	None

NEW HAMPSHIRE RULEMAKING REGISTER

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2020-1	Rev 301.151	Department of Revenue Administration Global Intangible Low-Taxed Income and the Definition of "Foreign Dividends".	1

Notices of Proposed Interim Rules

<u>Interim Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
INT 2020-1	He-C 4003 & 4004	Department of Health and Human Services, Commissioner Operating Standards for Youth Recreation Camps and Youth Skills Camps.	3

Notice Number 2020-1

Rule Number Rev 301.151

1. Agency Name & Address:

**Department of Revenue Administration
P.O. Box 457
Concord, NH 03302-0457**

2. RSA Authority: RSA 77-A:15, II

3. Federal Authority: _____

4. Type of Action:

Adoption X

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment _____

5. Short Title: **Global Intangible Low-Taxed Income and the Definition of "Foreign Dividends"**

6. (a) Summary of what the rule says and of any proposed amendments:

Rev 300 contains the rules governing the Business Profits Tax, RSA 77-A. Rev 301.151 defines "foreign dividends" and is being adopted to implement the changes in Chapter 346:203-204, 206, and 251 of the Laws of 2019, which amended RSA 77-A:1, 3, and 4 concerning global intangible low-taxed income (GILTI) under Section 951A of the United States Internal Revenue Code.

6. (b) Brief description of the groups affected:

The group affected is business organizations with GILTI.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

Rule	Statute
Rev 301.151	RSA 77-A:1, XX(o); RSA 77-A:3, II(b); RSA 77-A:4, XIX; RSA 77-A:15, II

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Tracey Russo, Legal Bureau**

Title: **Paralegal**

Address: **P.O. Box 457
Concord, NH 03302-0457**

Phone #: **603-230-5027**

Fax#: **603-230-5932**

E-mail: **Tracey.Russo@dra.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964
or dial 711 (in NH)

NN 2020-1 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Monday, February 10, 2020**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, January 31, 2020 @ 9:00 am**

Place: **New Hampshire Department of Revenue Administration
109 Pleasant Street
Concord, NH 03301**

*****The security procedures at the Department of Revenue Administration require all visitors to sign-in and present photo identification. If you plan on attending the public hearing, please bring photo identification with you.*****

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 19:238, dated 12/31/19

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

Not applicable as this is a new proposed rule. Any cost associated with this rule is attributable to Chapter 346:203-204, 206 and 251, Laws of 2019, and not the rule.

2. **Cite the Federal mandate. Identify the impact on state funds:**

No federal mandate, no impact on state funds.

3. **Cost and benefits of the proposed rule(s):**

- A. **To State general or State special funds:**

None.

- B. **To State citizens and political subdivisions:**

None.

- C. **To independently owned businesses:**

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The rule does not mandate fees or additional local expenditures on a political subdivision of the state, and, therefore, does not violate Part I, Article 28-a of the N.H. Constitution.

Proposed Interim Rule Number

2020-1

Rule Number

He-C 4003 and He-C 4004

1. Agency Name & Address:

**Dept. of Health & Human Services
Child Care Licensing Unit
129 Pleasant Street
Concord, NH 03301**

2. RSA Authority:

RSA 170-E:54

3. Federal Authority:

4. Type of Action:

Adoption X
Amendment
Repeal
Readoption
Readoption w/amendment

5. Filing Date: **January 3, 2020**6. Short Title: **Operating Standards for Youth Recreation Camps and Youth Skills Camps**

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Allyson Zinno**Title: **Administrative Rules Coordinator**

Address: **NH Dept. of Health & Human Services
Administrative Rules Unit
129 Pleasant Street
Concord, NH 03301**

Phone #: **271-9604**Fax#: **271-5590**E-mail: **allyson.zinno@dhhs.nh.gov**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:

<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Summary explaining the effect of the rule:

The Department of Health and Humans Services, Child Care Licensing Unit (DHHS/CCLU) is proposing to adopt He-C 4003 relative to youth recreation camps (YRCs) and He-C 4004 relative to youth skills camps (YSCs) as interim rules pursuant to RSA 541-A:19, I(a) to conform with a new and amended state statute and implement RSA 170-E:53 through RSA 170-E:66.

These camps have been regulated by the Department of Environmental Services (DES) in Env-Wq 900 under authority of RSA 485-A:6 and IX, and RSA 485-A:25. HB4 (Chapter 346:131-138) from the 2019 legislative session effectively transferred the authority to license YRCs and YSCs from DES to DHHS/CCLU, effective January 1, 2020.

He-C 4003 establishes the criteria and procedures for YRCs for obtaining the license required by RSA 170-E:56, I. The proposed rules address a broad range of health and safety issues including buildings, sleeping quarters, and equipment, water supply, bathing beaches and swimming pools, toilet and sewage disposal facilities, food storage, preparation, and service, fire safety, and health care, including communicable diseases isolation and reporting.

He-C 4004 implements RSA 170-E:56, II(a) for YSCs relative to background checks for camp owners, directors, employees, and volunteers who may be left alone with any child or children.

INT 2020-1 Continued

9. Listing of people, enterprises, and government agencies affected by the rule:

The proposed rules affect any organization or program that must obtain a license as a youth recreation camp and all youth skills camps and any families that will be enrolling their children in these youth recreation camps and youth skills camps.

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

Rule Sections	State Statues Implemented
He-C 4003	RSA 170-E:53 and RSA 170-E:54
He-C 4004	RSA 170-E:53 and RSA 170-E:54

11. Summary of the effect upon the state if the rule were not adopted:

If the interim rule were not adopted, the Department would not be able to license and regulate youth recreation camps nor would the Department be able to conduct the required background checks for youth skills camps.

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules:

January 17, 2019

13. The fiscal impact statement prepared by the Legislative Budget Assistant, if applicable.

FIS # 19:225, dated January 2, 2020

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

Not applicable, as these are new rules.

2. Cite the Federal mandate. Identify the impact on state funds:

No federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

Chapter 346:131-138 (HB 4) from 2019 transferred responsibility for licensing youth recreation camps (YRC) and youth skills camps (YSC) from the Department of Environmental Services to the Department of Health and Human Services. The new RSA 170-E:56 establishes a \$200 annual license fee for YRCs, which are paid to the non-lapsing fund established in RSA 170-E:57. These statutes are identical to those that previously established the function under the Department of Environmental Services. The rules further establish application procedures and identify baseline requirements necessary to maintain "clean, healthful sanitary conditions and methods." Most of the costs associated with obtaining a YRC license and operating a YRC are therefore attributable to statute and not to the proposed interim rules.

RSA 170-E:56, II(b) establishes an annual fee of \$25 for the certification of YSCs, payable to the same non-lapsing fund. RSA 170-E:56, II(a) further requires operators of YSCs to "maintain an appropriate policy regarding background checks for camp owners, employees, and volunteers who may be left alone with any child or children," and establishes various additional requirements. The costs associated with these requirements are therefore attributable to statute and not to the proposed interim rules.

INT 2020-1 Continued*(Item 13. continued)*

With few exceptions (noted below), the proposed interim rules do not differ in cost from the existing Env-Wq 900 rules that established the licensing function within the Department of Environmental Services.

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

The proposed rules add a requirement, not included in Env-Wq 900, for owners and operators of YRCs to submit their criminal background check with an application, as well as a requirement for all staff who have resided in the state within the past seven years to be checked against the central registry of founded reports of abuse and neglect. The form for authorizing the search of the central registry will require a notarized signature, and along with indeterminable administrative costs, may pose a cost to applicants.

FINAL PROPOSALS FOR COMMITTEE REVIEW ON JANUARY 17, 2020

<u>Final Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
2019-128	Phy 100 & 200	Governing Board of Physical Therapists Organizational and Procedural Rules.
2019-129	Spe 100 & 200	Governing Board of Speech Language Pathologists Organizational and Procedural Rules.
2019-135	Psyc 202.01 intro. & (p), 204.02, 302.05, 303.02, 303.04, 303.05	Board of Psychologists Informal Resolution, Post-Doctoral Supervision, Process, Process, Temporary License Application, and Written Examinations.
2019-145	He-P 1600	Department of Health and Human Services Former Division of Public Health Services Lead Poisoning Prevention and Control.
2019-160	Acp 301.01, 301.02, 306.01, 401.02, 401.04, 402.03, 402.04	Board of Acupuncture Licensing Application Process, Renewal, and Continuing Education Units.
2019-163	Env-A 1500	Department of Environmental Services Air Related Programs Conformity.
2019-178	Bar 302.05, 302.07, 404.04, 404.05	Board of Barbering, Cosmetology and Esthetics School and Shop Requirements, Licensee Standards, Fines, and Inspection Notices.
2019-181	He-P 811	Department of Health and Human Services Former Division of Public Health Services End Stage Renal Disease Dialysis Centers.
2019-185	Emp 501.11 & 501.12	Department of Employment Security Claimant Requirements.
2019-186	Ins 100	Insurance Department Organizational Rules.
2019-201	Env-Wt 300, 500, & 600, various sections	Department of Environmental Services Wetlands Programs Further Amendments to Adopted Wetlands Rules.
2019-203	Rev 307.11(a), (c)	Department of Revenue Administration Business Profits Tax Corrections Regarding Federal Refund Subject to Joint Committee on Taxation Review.

PROPOSED INTERIM RULE FOR COMMITTEE REVIEW ON JANUARY 17, 2020Proposed
Interim

<u>Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
INT 2020-1	He-C 4003 & 4004	Department of Health and Human Services, Commissioner Operating Standards for Youth Recreation Camps and Youth Skills Camps.

PRELIMINARY OBJECTION RESPONSES FOR COMMITTEE REVIEW ON JANUARY 17, 2020

<u>Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
FP 2019-74	Ph 2100	Pharmacy Board Inspections.

PRELIMINARY OBJECTION RESPONSES FOR COMMITTEE REVIEW ON JANUARY 17, 2020
IF FILED PRIOR TO THE MEETING

<u>Proposal #</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>
FP 2019-107*	Ac 301.04, 301.05, 401.07	Board of Accountancy Application for Initial Certification, Reciprocity, and Return to Active Practice. <i>*This item will be placed on the agenda only if the December 23, 2019 response deadline is waived.</i>
FP 2019-155	Ncr 301-311	Department of Natural and Cultural Resources Natural Heritage Program Rules.
FP 2019-157	Lot 3000	Lottery Commission Sports Wagering.

NOTICE OF ADOPTED RULES

Document # (Final Proposal)	Rule Number	Agency and Short Title of Rule	Effective Expires
#12935 (EXEMPT)	Pda 610.02	Pease Development Authority Schedule of Fees for Commercial Piers-Portsmouth, Hampton Harbor and Rye Harbor, NH.	1/1/2020 Exempt
#12936 (FP 2019-101)	He-E 501	Department of Health and Human Services Division of Elderly and Adult Services Social Services Block Grant (Title XX).	12/7/2019 12/7/2029
#12937 (FP 2019-141)	He-W 566	Department of Health and Human Services Former Division of Human Services Dental Services.	12/7/2019 12/7/2029
#12938 (FP 2019-68)	Jus 600	Department of Justice Victims' Compensation.	12/9/2019 12/9/2029
#12939A (FP 2019-97)	Mid 203.01	Midwifery Council Procedures for Submission and Processing of Complaints of Misconduct. <i>(As practice and procedure rules they do not expire except pursuant to RSA 541-A:17, II).</i>	12/10/2019
#12939B (FP 2019-97)	Mid 302.05 303.01, 303.02	Midwifery Council Documentation for Initial Certification, Laceration Repairs.	12/10/2019 12/10/2029
#12940 (FP 2019-137)	He-M 202	Department of Health and Human Services Former Div. of Mental Health & Developmental Services Rights Protection Procedures for Developmental Services. <i>(As practice and procedure rules they do not expire except pursuant to RSA 541-A:17, II).</i>	12/10/2019
#12941 (FP 2019-146)	Odb 100 and 200	Oil Fund Disbursement Board Oil Fund Disbursement Board - Definitions, Organizational and Procedural Rules. <i>(As organizational and practice and procedure rules they do not expire pursuant to RSA 541-A:17, II).</i>	12/15/2019
#12942 (FP 2019-147)	Odb 400	Oil Fund Disbursement Board Oil Fund Disbursement Board - Rules for Reimbursement.	12/15/2019 12/15/2029
#12943 (FP 2019-105)	He-P 309	Department of Health and Human Services Former Division of Public Health Services Healthcare Associated Infections Reporting.	12/11/2019 12/11/2029
#12944 (INT 2019-34)	He-M 513	Department of Health and Human Services Former Div. of Mental Health & Developmental Services Respite Services.	12/20/2019 6/17/2020

NOTICE OF ADOPTED RULES

Document # (Final Proposal)	Rule Number	Agency and Short Title of Rule	Effective Expires
#12945 (FP 2019-99)	Phy 500	Governing Board of Physical Therapists Ethical Standards.	12/20/2019 12/20/2029
#12946 (FP 2019-127)	Ath 100 & 200	Governing Board of Athletic Trainers Organizational and Procedural Rules. <i>(As organizational and practice and procedure rules they do not expire pursuant to RSA 541-A:17, II).</i>	12/20/2019
#12947 (FP 2019-180)	He-C 403	Department of Health and Human Services, Commissioner Therapeutic Cannabis Program - Medical Oversight Board.	12/20/2019 12/20/2029
#12948 (FP 2019-187) & (a)(1)	He-M 503.13(a) intro.	Department of Health and Human Services Former Div. of Mental Health & Developmental Services Eligibility and the Process of Providing Services. - Allocation of Funds.	12/20/2019 12/20/2029
#12949 (Emergency)	Env-Wq 1503.19(h)	Department of Environmental Services Water Quality and Quantity Programs Amendment to Criteria for Issuance of AOT Permits.	12/20/2019 6/17/2020
#12950	He-C 801.04(c)	Department of Health and Human Services, Commissioner NH Health Professions Survey Opt-Out Form.	12/21/19 12/21/29
#12951 (FP 2019-33)	Ph 807.02 & 812.02	Pharmacy Board Registered and Certified Pharmacy Technician Duties.	12/21/2019 12/21/2029
#12952 (INT 2019-38)	He-P 830	Department of Health and Human Services Former Division of Public Health Services Acute Psychiatric Residential Treatment Programs.	12/21/2019 6/18/2020
#12953 (FP 2019-166)	Env-Wt 100 various sections, 204.03(c)	Department of Environmental Services Wetlands Programs Amendments to Adopted Wetlands Rules: Definitions, Content of Waiver Requests. <i>(As organizational and practice and procedure rules they do not expire pursuant to RSA 541-A:17, II).</i>	12/24/2019
#12954 (2019-167)	Env-Wt 300-600 & 900 various sections and paras.	Department of Environmental Services Wetlands Programs Amendments to Adopted Wetlands Rules.	12/24/19 12/24/2029
#12955 (FP 2019-175)	Env-Wq 1001.03 (c)(4), (f)(3), & (k)	Department of Environmental Services Water Quality and Quantity Programs Amendments to Waiver Requirements for Septic Systems.	12/21/2019 12/21/2029
#12956 (Emergency)	Env-Wt 306.05(a)(1), 406.03(a)	Department of Environmental Services Wetlands Programs Amendments to Required Planning, When Delineation Not Required.	12/23/2019 6/20/20

NOTICE OF ADOPTED RULES

<u>Document #</u> (Final Proposal)	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Effective</u> <u>Expires</u>
#12957 (INT 2019-36)	Saf-C 1002.02(a)(7), 1011.03(c) & 1011.14	Department of Safety, Commissioner Various Driver Licensing Rules.	12/23/2019 6/22/2020
#12958 (FP 2019-69)	Pda 501-511, 513-515	Pease Development Authority Rules Regarding Permitting and Setting Moorings and Anchorages.	12/24/2019 12/24/2029
#12959 (FP 2019-169)	Saf-C 9005.01(a)	Department of Safety, Commissioner Breath Testing Additional Test.	12/23/2019 12/23/2029
#12960 (INT 2019-37)	Emp 404	Department of Employment Security Job Training Program.	12/26/2019 6/23/2020
#12961 (INT 2019-33)	Saf-C 305.10, 306.10, 306.10, 306.11	Department of Safety, Commissioner Interim Various Road Toll Administration Rules.	1/1/2020 6/29/2020
#12962 (FP 2019-100)	He-P 807	Department of Health and Human Services Former Division of Public Health Services Rules for Residential Treatment and Rehabilitation Facilities.	12/31/2019 12/31/2029
#12963 (EXP 2019-1)	Env-A 4700	Department of Environmental Services Air Related Programs Carbon Dioxide (CO2) Offset Projects - REPEAL.	1/1/2020
#12964 (FP 2019-156)	Ncr 312	Department of Natural and Cultural Resources Natural Heritage Inventory Rule.	1/1/2020 1/1/2030
#12965 (FP 2019-164)	Env-A 1700	Department of Environmental Services Air Related Programs Permit Application Forms.	1/6/2020 1/6/2030
#12966 (FP 2019-168)	Saf-C 3900	Department of Safety, Commissioner Incident Command System.	12/31/2019 12/31/2029
#12967 (FP 2019-183)	Env-A 4600	Department of Environmental Services Air Related Programs Carbon Dioxide (CO2) Budget Trading Program.	1/1/2020 1/1/2030
#12968 (FP 2019-92)	Liq 1100	Liquor Commission Direct Shipping.	1/3/2020 1/3/2030