



Action Minutes

January 19, 2024

Members Present: Senators Chandley, Gray*, Lang, and Ward, and Representatives McGuire, Grote, Haaken-Phillips*, Layon, Lynn, and Schmidt. (*) 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 9:00 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Senator Ward and Representatives Grote, Hakken-Phillips*, Layon, Lynn, and Schmidt.

Rep. McGuire designated Rep. Hakken-Phillips as an alternate for Sen. Whitley, who was absent.

2. The Committee discussed the minutes of the Committee meeting on December 21, 2023.

Sen. Ward moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

CONSENT AGENDA

FP 2023-164	DEPARTMENT OF ENVIRONMENTAL SERVICES Solid Waste Programs Universal Solid Waste Facility Requirements Env-Sw 1000
FP 2023-165	DEPARTMENT OF ENVIRONMENTAL SERVICES Solid Waste Programs Permit-By-Notification Solid Waste Facility Requirements Env-Sw 1200
FP 2023-175	NH PHARMACY BOARD Rules of Practice and Procedure Ph 200

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- FP 2023-197** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Available Income and Conversion to Monthly Amounts
He-W 652.02, He-W 652.05, He-W 852.02, and He-W 852.05
- FP 2023-201** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Alien Status and Citizenship and Non-Citizenship Status
He-W 616.01 and He-W 816.01
- FP 2023-224** BOARD OF LICENSED DIETICIANS
Rules of Practice and Procedure
Diet 200
- FP 2023-226** GOVERNING BOARD OF SPEECH-LANGUAGE PATHOLOGISTS AND
HEARING CARE PROVIDERS
Rules of Practice and Procedure
Spe 200
- FP 2023-227** BOARD OF HEARING CARE PROVIDERS
Rules of Practice and Procedure
Hcp 200
- FP 2023-230** BOARD OF LICENSING FOR FORESTERS
Rules of Practice and Procedure
Fors 200
- FP 2023-233** DEPARTMENT OF REVENUE ADMINISTRATION
Conservation Restriction Assessment
Rev 1800
- FP 2023-234** BOARD OF CHIROPRACTIC EXAMINERS
Rules of Practice and Procedure
Ch 200
- FP 2023-235** BOARD OF LICENSING FOR ALCOHOL AND OTHER DRUG USE
PROFESSIONALS
Rules of Practice and Procedure
Alc 200
- FP 2023-190** ELECTRICIANS' BOARD
Continued Status
Elec 400 various
- FP 2023-222** BOARD OF PROFESSIONAL ENGINEERS
Rules of Practice and Procedure
Eng 200

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INT 2023-10

DEPARTMENT OF ENVIRONMENTAL SERVICES

Water Quality and Quantity Programs

Cyanobacteria Mitigation Fund (CMF) Program for Eligible Projects

Env-Wq 2300

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2023-164, 2023-165, 2023-175, 2023-197, 2023-201, 2023-224, 2023-226, 2023-227, 2023-230, 2023-233, 2023-234, and 2023-235; and conditionally approve Final Proposals 2023-190 and 2023-222 and Proposed Interim Rule 2023-10 based on the agencies' Conditional Approval Requests or amended Conditional Approval Requests.

Rep. Lynn seconded.

Adopted.

4. The Committee discussed postponing Final Proposal 2023-97 from the Real Estate Appraiser Board (Apprentice Classification, Certification and License Requirements to its meeting on March 15, 2024.

Rep. Schmidt moved to approve the postponement of Final Proposal 2023-97 and to seek a waiver of the Committee's deadline to act on Final Proposal 2023-97.

Rep. Lynn seconded.

Adopted.

5. The Committee discussed postponing Final Proposal 2023-150 from the Board of Natural Scientists (Certification Requirements) to its meeting on February 16, 2024.

Rep. Schmidt moved to approve the postponement of Final Proposal 2023-150.

Rep. Lynn seconded.

Adopted.

6. The Committee discussed postponing Final Proposal 2023-186 to its meeting on February 16, 2024.

Rep. Schmidt moved to approve the postponement of Final Proposal 2023-186 from the Board of Home Inspectors (Standards of Practice) and to seek a waiver of the Committee's deadline to act on Final Proposal 2023-186.

Rep. Lynn seconded.

Adopted.

Sen. Gray joined the meeting after the vote on Final Proposal 2023-186. Rep. McGuire designated Sen. Gray as an alternate for Sen. Lang, who was absent.

7. The Committee discussed Final Proposal 2023-200 from the Department of Health and Human Services, former Division of Human Services (Categorical Requirements – Adult Financial and Adult Medical Assistance). Nicole Valanzola testified for the Department. The Department submitted an oral Conditional Approval Request at the meeting to change the citation in He-W 842.04 to read, "He-W 502.02".

Rep. Layon moved to approve the oral Conditional Approval Request.

Rep. Lynn seconded.

Adopted.

8. The Committee discussed Final Proposal 2023-223 from the Board of Mental Health Practice (License, Certification, and Registration Requirements, Applications, and Fees). Executive Director Lindsey Courtney and Tina Kelley from the Office of Professional Licensure and Certification testified for the Board. The Board had submitted a Conditional Approval Request in a cover memo and amended rules dated 12/7/23 and an amended Conditional Approval Request in a cover memo and amended rules dated 1/17/24.

Sen. Gray moved to approve Final Proposal 2023-223 based on the amended Conditional Approval Request.

Rep. Lynn seconded.

Adopted.

9. The Committee discussed Final Proposal 2023-229 from the Water Council (Organizational and Procedural Rules). Mark Dell'Orfano from the Department of Justice testified for the Council. The Council had submitted a Conditional Approval Request in a cover letter and amended rules dated 1/12/24.

Rep. Layon moved to approve Final Proposal 2023-229 based on the Conditional Approval Request.

Rep. Lynn seconded.

Adopted.

10. The Committee discussed Final Proposal 2023-243 from the Department of Agriculture, Markets, and Food (Acquisition of Agricultural Land Development Rights). Commissioner Shawn Jasper and Patricia Benner testified for the Department.

Rep. Grote moved to postpone Final Proposal 2023-243 to the Committee's meeting on February 16, 2023 and to seek a waiver of the Committee's deadline to act on Final Proposal 2023-243.

Rep. Layon seconded.

Adopted.

Sen. Lang joined the meeting after the vote on Final Proposal 2023-243.

Rep. McGuire designated Sen. Gray as an alternate for Sen. Innis, who was absent.

11. The Committee discussed Final Proposal 2023-248 from the Fish and Game Department (Licenses and Permits). Martha Mobley and Jessica Whelehan testified for the Department. The Department submitted an oral Conditional Approval Request at the meeting to correct a typo in the form date included in Fis 1101.01(a) by changing the date from "01/23" to "10/23".

Sen. Gray moved to accept the oral Conditional Approval Request.

Sen. Lang seconded.

Adopted.

12. The Committee noted that it had not yet received the Objection Response for Final Proposal 2023-72 from the Department of Safety, Commissioner (Watercraft Safety Rules) and so was postponed to the Committee meeting on February 16, 2024.
13. The Committee noted that discussions were continuing between the Department of Environmental Services and the NH Home Builders' Association regarding the Department's "Alteration of Terrain" in Env-Wq 1500 various rules.
14. Attorney Courtney Lockwood from the Department of Environmental Services appeared briefly in the belief that there would be testimony and discussion of the Department's "Alteration of Terrain" rules. As noted in the previous item, the Committee did not open this issue for discussion.
15. The Committee discussed a petition request made by Donald Pfundstein of Gallaher, Callahan, and Gartrell on behalf of his client, RiverWalk at Loon Mountain, LLC (RiverWalk). RiverWalk requested that the Committee petition the NH Department of Justice (DOJ) to amend its rules Jus 1307.01(b) and (c) and Jus 1406.01(b) and (c) to allow prospective or current purchasers of vacation homes to receive public offering statements by electronic submission instead of by paper copies. The Committee received testimony from James R. Davis, Assistant Attorney General, representing the DOJ, and Attorney Caroline Leonard representing RiverWalk.

Sen. Chandley joined the meeting at this time, and Sen. Gray left the meeting.

Rep. Hakken-Phillips moved to deny the request for petition.

Sen. Ward seconded.

Rep. Hakken-Phillips moved to amend her motion to recommend that RiverWalk seek legislation to allow the option of electronic copies.

Rep. Lynn seconded.

Adopted, with Rep. Lynn voting "NO".

16. The Committee discussed cancelling its continued meeting scheduled for February 2, 2024. By consensus, the Committee cancelled the continued meeting.
17. The Committee discussed adjournment. By consensus, the Committee adjourned at 10:12 a.m.