



Action Minutes

October 20, 2022

Members Present: Senators Reagan, Gray, Ward, and Whitley and Representatives Bershtein, Groen*, Hatch, Lang, McGuire, 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 9:01 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Senator Reagan, were Senators Gray, Ward, and Whitley and Representatives Bershtein, Groen, Lang, McGuire, and Schmidt.

Senator Reagan designated Rep. Groen as an alternate for Rep. Hatch, who was absent.

2. The Committee discussed the minutes of the Committee meeting on September 16, 2022.

Senator 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 2022-57	MECHANICAL LICENSING BOARD Organizational Rules Mec 100
FP 2022-58	GOVERNING BOARD OF GENETIC COUNSELORS Ethical Standards Gen 500
FP 2022-71	BOARD OF EDUCATION Theatre Teacher Ed 507.35
FP 2022-72	BOARD OF EDUCATION Classical Languages Teacher Ed 508.37
FP 2022-73	BOARD OF EDUCATION Music Teacher Ed 507.39

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- FP 2022-101** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Medicaid Care Management (MCM)
He-W 506
- FP 2022-137** FISH AND GAME DEPARTMENT
Aquaculture Fees; Marine Fees; Surcharge Exemptions
Fis 807.11; Fis 1110.09; Fis 1110.10
- FP 2022-146** FISH AND GAME DEPARTMENT
American Shad
Fis 403.07 and Fis 408.12
- EXIR 2022-1** DEPARTMENT OF SAFETY
Commissioner
Out-of-Service Criteria for Commercial Transportation of
Hazardous Materials
Saf-C 604.02
- EXIR 2022-2** DEPARTMENT OF SAFETY
Commissioner
Out-of-Service Criteria for Commercial Transportation of
Hazardous Materials
Saf-C 906.01 and Saf-C 907.01
- EXIR 2022-3** DEPARTMENT OF SAFETY
Commissioner
Out-of-Service Criteria for Commercial Vehicle Transportation of
School Vehicles
Saf-C 1302.09 and Saf-C 1316.01(b)
- FP 2022-56** GOVERNING BOARD OF GENETIC COUNSELORS
Organizational and Procedural Rules
Gen 100-200
- FP 2022-59** GOVERNING BOARD OF GENETIC COUNSELORS
Requirements for Initial Licensure
Gen 300
- FP 2022-63** GOVERNING BOARD OF GENETIC COUNSELORS
Continued Status
Gen 400 various
- FP 2022-70** BOARD OF EDUCATION
Early Childhood Education Teacher
Ed 507.18
- OR 2022-81** INSURANCE DEPARTMENT
Recognition of the 2001 CSO Mortality Table for Use in Determining
Minimum Reserve Liabilities and Nonforfeiture Benefits
Ins 3507

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Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2022-57, 2022-58, 2022-71, 2022-72, 2022-73, 2022-101, 2022-137, and 2022-146, EXIRs 2022-1, 2022-2, and 2022-3, and Objection Response 2022-81, and conditionally approve Final Proposals 2022-56, 2022-59, 2022-63, and 2022-70 based on the agencies' conditional approval requests.

Rep. Lang seconded.

Adopted.

4. Rep. Schmidt moved to postpone the following items from the October 20, 2022, agenda to the Committee's regular meeting on November 17, 2022 and to request waivers from the Director of the Office of Legislative Services for the Committee's deadline to act on both items:
 - Item #3(a) regarding Final Proposal 2022-17 from the Board of Licensing for Alcohol and Other Drug Use Professionals (Initial Certifications and Licenses); and
 - Item #3(b) regarding Final Proposal 2022-92 from the Prescription Drug Affordability Board, (Prescription Drug Affordability Rules).

Rep. McGuire seconded.

Adopted.

5. The Committee discussed Final Proposal 2022-53 from the Department of Energy (Utility Pole Attachments). David Wiesner and Chris Ellms testified for the Department of Energy.

The Department of Energy had submitted a conditional approval request in amended rules dated October 17, 2022.

Susan Geiger, representing the New England Cable and Telecommunications Association, testified in favor of the conditional approval request for Final Proposal 2022-53.

Rep. Hatch joined the meeting. Senator Reagan designated Rep. Groen as an alternate for Senator Prentiss, who was absent.

Rep. Lang moved that the Committee conditionally approve Final Proposal 2022-53 based on the Department of Energy's conditional approval request.

Rep. Bershtein seconded.

The motion failed.

Rep. Schmidt moved that the Committee preliminarily object to Final Proposal 2022-53 based on Committee staff's annotations.

Rep. Hatch seconded.

Adopted.

6. The Committee discussed Final Proposal 2022-93 from the Department of Agriculture, Markets, and Food (Feeding Garbage to Swine). Dr. Stephen Crawford, State Veterinarian, of the Department of Agriculture, Markets, and Food testified for the Department.

The Department of Agriculture, Markets, and Food had submitted a conditional approval request in amended rules received October 4, 2022.

Rep. Hatch moved that the Committee conditionally approve Final Proposal 2022-93 based on the request.

Rep. McGuire seconded.

Adopted.

7. The Committee discussed Final Proposal 2022-150 from the Liquor Commission (Employee Incentive Programs). James Vara, Chief Operation Officer, testified for the Liquor Commission.

Rep. McGuire moved that the Committee approve Final Proposal 2022-150.

Rep. Lang seconded.

Adopted.

8. The Committee discussed Final Proposal 2022-156 from the Lottery Commission (Keno at Lottery Retailers). Valerie King and John Conforti testified for the Lottery Commission.

The Lottery Commission had submitted a conditional approval request for Final Proposal 2022-156 in amended rules dated October 12, 2022.

Rep. Lang moved that the Committee conditionally approve Final Proposal 2022-156 based on the request, with the additional change discussed during oral testimony of amending Lot 1103.03(b)(3) to cite the relevant lottery rules and statutes for hearings before the Commission.

Rep. Bershtein seconded.

Adopted.

9. The Committee discussed Final Proposal 2022-79 from the Midwifery Council (Definitions and Reporting Significant Morbidity and Mortality). Tina Kelley from the Office of Professional Licensing and Certification testified for the Midwifery Council.

The Midwifery Council had submitted a conditional approval request for Final Proposal 2022-79 in amended rules dated October 12, 2022.

Rep. Hatch moved that the Committee conditionally approve Final Proposal 2022-79 based on the request with the following additional amendment discussed during oral testimony:

*Amend the definition of “significant morbidity”, Mid 401.01 (1), to read:
“Significant morbidity” means an illness, injury, or morbidity to the
newborn or mother up to 6 weeks after birth, which is or is not captured
by hospitalization, that is directly related to pregnancy, birth, or postpartum.”*

Rep. McGuire seconded.

Adopted.

10. The Committee discussed the objection response to Final Proposal 2022-3 from the Office of Professional Licensure and Certification (Executive Director, Electrologists).

Executive Director Lindsey Courtney and Douglas Osterhoudt testified for the Office of Professional Licensure and Certification.

After discussion of the objection response the Office of Professional Licensure and Certification requested a revised objection to Final Proposal 2022-3 based on Committee staff comments and to address additional changes to the proposal including the creation of forms.

Rep. McGuire moved that the Committee make a revised objection to Final Proposal 2022-3 based on the request.

Rep. Hatch seconded.

Adopted.

11. The Committee discussed Final Proposal 2022-104 from the Department of Revenue Administration (Financial Accounting for Cities and Towns).

Keen Meng Wong represented the Department of Revenue Administration but did not testify.

The Department of Revenue Administration had submitted a conditional approval request and an amended conditional approval request for Final Proposal 2022-104 in amended rules dated August 22, 2022 and September 7, 2022, respectively.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-104 based on the amended request.

Rep. Lang seconded.

Adopted.

12. The Committee discussed Final Proposal 2022-114 from the Department of Revenue Administration (RIMS Rollout III and Legislative Changes).

Keen Meng Wong represented the Department of Revenue Administration but did not testify.

The Department of Revenue Administration had submitted a conditional approval request and an amended conditional approval request for Final Proposal 2022-114 in amended rules undated for the request but dated October 17, 2022 for the amended request.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-114 based on the amended request with the following additional amendment:

Amend Rev 2803.03(b) to read: "The department shall use the weighted mean ratio calculated to one tenth of one percent."

Rep. Lang seconded.

Adopted.

Additionally, the Committee recommended that the Department seek a legislative change to address the authority issues raised in the Committee staff's annotations to the amended conditional approval request.

13. The Committee discussed Final Proposal 2022-115 from the Department of Revenue Administration (Equalization of Assessments for Cities, Towns, Unincorporated Towns, and Unorganized Places).

Keen Meng Wong represented the Department of Revenue Administration but did not testify.

The Department of Revenue Administration had submitted a conditional approval request for Final Proposal 2022-115 in amended rules dated October 12, 2022.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2022-115 based on the request and recommended that the Department seek legislation to address Committee staff's comments regarding authority and legislative intent on the equalization manual.

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Rep. Lang seconded.

Adopted.

14. The Committee discussed the continued meeting scheduled for November 3, 2022. It was the consensus of the Committee to cancel the continued meeting.
15. The Committee discussed adjournment.

The Committee discussed the adjournment of this meeting to November 17, 2022.

The Committee adjourned at the call of the Chair at 10:30 a.m.