



Action Minutes

February 16, 2024

Members Present: Senators Gray* and Ward, and Representatives McGuire, Grassie*, Grote, Hakken-Phillips*, 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 9:01 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Senators Gray and Ward, and Representatives Grassie*, Grote, Hakken-Phillips*, and Lynn.

Rep. McGuire designated Rep. Hakken-Phillips as an alternate for Rep. Layon, who was absent, Sen. Gray for Sen. Lang, who was absent, and Rep. Grassie for Rep. Schmidt, who was absent.

2. The Committee discussed the minutes of the Committee meeting on January 19, 2024.

Sen. Ward moved that the minutes be approved.

Sen. Gray seconded.

Adopted.

Rep. Schmidt entered the meeting at this point.

Rep. McGuire designated Rep. Grassie as an alternated for Sen. Innis, who was absent.

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

CONSENT AGENDA

FP 2023-162	INSURANCE DEPARTMENT Suitability in Annuity Transactions Ins 305
FP 2023-191	PESTICIDE CONTROL BOARD Pesticide Management Pes 800
FP 2023-208	PUBLIC UTILITIES COMMISSION Rules for Water Service Puc 600

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- FP 2023-209** PUBLIC UTILITIES COMMISSION
Rules for Sewer Utilities
Puc 700
- FP 2023-220** INSTALLATION STANDARDS BOARD
Rules of Practice and Procedure
Inst 200
- FP 2023-221** BOARD OF REGISTRATION IN OPTOMETRY
Rules of Practice and Procedure
Opt 200
- FP 2023-225** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Verification for Financial and Medical Assistance
He-W 606 various and He-W 806 various
- FP 2023-240** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Initiation of Adult Category Financial Assistance
He-W 672.02
- FP 2023-252** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Elimination of Premiums for the Medicaid for Employed Adults with
Disabilities (MEAD) Category of Medical Assistance
He-W 841.03
- FP 2023-253** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Prohibited Use of Money Payments
He-W 608.02
- FP 2023-254** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Jointly Owned Resources
He-W 656.03
- FP 2023-257** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Medicaid Care Management (MCM) – Covered Services
He-W 506.04
- FP 2023-258** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Pharmaceutical Services – Covered Items
He-W 570.04

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FP 2023-263	DEPARTMENT OF ENVIRONMENTAL SERVICES Cross Program Rules Decisions in Adjudicative Proceedings Env-C 204.24
FP 2023-266	BOARD OF REGISTRATION OF FUNERAL DIRECTORS AND EMBALMERS Rules of Practice and Procedure Fr1 200
EXRF 2024-1	DEPARTMENT OF HEALTH AND HUMAN SERVICES Commissioner Expedited Revision to the New Hampshire Dentist Licensure Survey He-C 801.03
FP 2023-161	INSURANCE DEPARTMENT Travel Insurance Ins 4700
FP 2023-186	BOARD OF HOME INSPECTORS Standards of Practice Home 600 various
FP 2023-192	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Public Health Services Specific Licenses, Filing of Application He-P 4030.07
FP 2023-251	OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION Ophthalmic Dispensing Plc 800
FP 2023-272	BOARD OF NURSING Rules of Practice and Procedure Nur 200

Sen. Ward moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2023-162, 2023-191, 2023-208, 2023-209, 2023-220, 2023-221, 2023-225, 2023-240, 2023-252, 2023-253, 2023-254, 2023-257, 2023-258, 2023-263, and 2023-266; approve Expedited Revision to Form EXRF 2024-1; and conditionally approve Final Proposals 2023-161, 2023-186, 2023-192, 2023-251, and 2023-272 based on the agencies' Conditional Approval Requests or amended Conditional Approval Requests.

Sen. Gray seconded.

Adopted.

4. The Committee discussed postponing Final Proposal 2023-150 from the Board of Natural Scientists (Certification Requirements), Final Proposal 2023-167 from the Board of Professional Engineers (Licensure Requirements), Final Proposal 2023-204 from the Department of Energy (Rules for Water Service), Final Proposal 2023-205 from the Department of Energy (Rules for Sewer Utilities), and Final Proposal 2023-250

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from the Board of Dental Examiners (Revocation, Suspension, Other Sanctions, Non-Disciplinary, and Substance Abuse Recovery Program) to its meeting on March 15, 2024.

Rep. Schmidt moved to approve the postponement of Final Proposal 2023-150, Final Proposal 2023-167, Final Proposal 2023-204, Final Proposal 2023-205, and Final Proposal 2023-250 with waivers of the JLCAR deadline for Final Proposal 2023-150 and Final Proposal 2023-250.

Sen. Gray seconded.

Adopted.

5. The Committee discussed Final Proposal 2023-163 from the Department of Safety, Commissioner (Non-Resident Pistol/Revolver License). Marta Modigliani testified for the Department.

Public testimony was received from Penny Dean, who expressed concerns with various provisions in the proposed rules.

Sen. Gray moved to approve Final Proposal 2023-163 with the recommendation that the Department seek legislative clarification regarding the rules.

Rep. Grote seconded.

Adopted.

6. The Committee discussed Final Proposal 2023-284 from the Department of Safety, Commissioner (Mobile Service Garage Rules). David Hilts and Kathy Diamond testified for the Department. The Department requested an oral conditional approval, which included:

- Changing “will” to “shall” in Saf-C 3204.02(h); and
- Adding the following language to Saf-C 3204.02(b), “If seeking an appointment as a mobile service garage, I understand and agree that I must have a current contract with an employer to perform motor vehicle inspections as an authorized mobile service garage.”

Rep. Hakken-Phillips moved to approve Final Proposal 2023-284 based on the oral Conditional Approval Request.

Sen. Gray seconded.

Adopted.

7. The Committee discussed Final Proposal 2023-177 from the Department of Health and Human Services, Former Division of Human Services (General Payment Information). Nicole Valanzola and Robert Berry testified for the Department. The Department had submitted an Amended Conditional Approval Request in a cover letter and amended rules dated 2/9/24.

Rep. Grote moved to approve Final Proposal 2023-177 based on the Amended Conditional Approval Request.

Rep. Schmidt seconded.

Adopted.

Sen. Gray left the meeting and did not return.

8. The Committee discussed Final Proposal 2023-206 from the Lottery Commission (Lucky 7). Valerie King testified for the Department.

Michael McLaughlin, representing Community Bingo, and Karen Kirsten, representing UpReach TEC, presented public testimony.

Rep. Grote moved to approve Final Proposal 2023-206.

Rep. Hakken-Phillips seconded.

Adopted.

The Committee took a recess at 10:02 a.m. and reconvened at 10:10 a.m.

9. The Committee discussed Final Proposal 2023-239 from the Department of Justice (Charitable Trusts). Michael Haley testified for the Department. The Department submitted a Conditional Approval Request in a cover letter and amended rules dated 2/1/24. The Department requested an oral Amended Conditional Approval in the meeting.

Taken together, the written and oral Conditional Approval Requests would amend Jus 402.04(b)(1)a. to add the language at the end of the sentence, “including the organization’s dissolution provision” and to remove that same language from Jus 402.02(c)(1)a.

Rep. Lynn moved to accept the Amended Conditional Approval Request for Final Proposal 2023-239.

Rep. Hakken-Phillips seconded.

Adopted.

10. The Committee discussed Final Proposal 2023-243 from the Department of Agriculture, Markets, and Food (Acquisition of Agricultural Land Development Rights). Patricia Benner testified for the Department. The Department submitted a Conditional Approval Request in a cover letter and amended rules dated 1/31/24.

Sen. Grote moved to accept the Conditional Approval Request for Final Proposal 2023-243.

Sen. Ward seconded.

Adopted.

11. The Committee discussed Final Proposal 2023-256 from the Department Health and Human Services, Former Division of Public Health Services (Sanitary Production and Distribution of Food). Allyson Raadmae and Colleen Smith testified for the Department. The Department submitted a Conditional Approval Request in a cover letter and amended rules dated 2/5/24.

Rep. McGuire moved to accept the Conditional Approval Request for Final Proposal 2023-256 with the recommendation that the Department work with Rep. Grassie on legislation regarding the rule.

Rep. Schmidt seconded.

Adopted.

12. The Committee discussed Interim 2024-1 from the Board of Education (Visual Art Teacher). Steven Appleby and Julie Shea testified for the Department. The Department submitted a Conditional Approval Request in a cover letter and amended rules dated 1/29/24.

Rep. Grote moved to accept the Conditional Approval Request for Interim 2024-1.

Rep. Lynn seconded.

Adopted.

13. The Committee discussed the Objection Response for Final Proposal 2023-72 from the Department of Safety, Commissioner (Watercraft Safety Rules). David Hilts and Captain Timothy Dunleavy testified for the Department. The Department requested a Revised Objection.

Rep. Schmidt moved to accept the Revised Objection Request for Final Proposal 2023-72 with the understanding that the Department will work with Rep. Lynn on legislation regarding the rule and Rep. Hakken-Phillips regarding the fee.

Rep. Lynn seconded.

Adopted.

14. The Committee discussed cancelling its continued meeting scheduled for March 1, 2024. By consensus, the Committee cancelled the continued meeting.

15. The Committee discussed adjournment. By consensus, the Committee adjourned at 10:50 a.m.