



Action Minutes

August 17, 2023

Members Present: Senators Chandley, Gray, Innis, and Ward, and Representatives McGuire, Hakken-Phillips*, 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 Senators Chandley, Innis, and Ward, and Representatives Hakken-Phillips*, and Schmidt.

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

2. The Committee discussed the minutes of the Committee meeting on July 20, 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 2023-57	BOARD OF EDUCATION Home Education Ed 315
FP 2023-58	BOARD OF EDUCATION Application Fees for Program Review Ed 602.05
FP 2023-59	BOARD OF EDUCATION Standards for Curriculum, Clinical Practice, Resources and Assessment Systems for Professional Educator Preparation Programs (PEPPs) Ed 603, Ed 604.01, Ed 604.08, Ed 605, and Ed 606
FP 2023-79	BOARD OF BARBERING, COSMETOLOGY, AND ESTHETICS

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Shop and Licensee Equipment, Exams, Inspections, and Violation Points for Schools
Bar 300 various and Bar 400 various

- FP 2023-108** ELECTRICIANS' BOARD
Rules of Practice and Procedure
Elec 200
- FP 2023-109** ELECTRICIANS' BOARD
Office Contact Information, Custodian of Board Records, and Copies
Elec 103.05, Elec 104.02, and Elec 104.03
- FP 2023-114** BOARD OF PROFESSIONAL ENGINEERS
Organization, Public Information, and Board Meetings
Eng 100 various
- FP 2023-119** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Division of Elderly and Adult Services
Licensed Nursing Assistant Training Reimbursement
He-E 804
- FP 2023-122** DEPARTMENT OF ENVIRONMENTAL SERVICES
Dam Related Programs
Official List of Public Waters
Env-Wr 900
- FP 2023-123** FISH AND GAME DEPARTMENT
Prohibition on Night Training of Hunting Dogs and Areas Closed to Hunting
Fis 305.01 and Fis 306.01
- FP 2023-127** FISH AND GAME DEPARTMENT
Restrictions on Certain Clam Species
Fis 606.01
- FP 2023-126** DEPARTMENT OF LABOR
Whistleblower's Protection Act
Lab 900
- FP 2023-134** DEPARTMENT OF REVENUE ADMINISTRATION
Electronic Transfers and Filing
Rev 2500
- INT 2023-3** DEPARTMENT OF SAFETY
Commissioner
Interim Mobile Service Garage Rules
Saf-C 3200 various
- EXRF 2023-7** DEPARTMENT OF HEALTH AND HUMAN SERVICES

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Commissioner
Expedited Revisions to the New Hampshire Advanced Practitioner Registered
Nurse (APRN) Licensure Survey
He-C 801.03(a)(1)

- FP 2023-22** BOARD OF EDUCATION
Institution Responsibilities and Content and Specialty Standards for Educator
Preparation Programs
Ed 607, Ed 608, Ed 612, and Ed 614
- FP 2023-30** BOARD OF HOME INSPECTORS
Organizational and Procedural Rules
Home 200
- FP 2023-101** BOARD OF MEDICINE
Rules of Practice and Procedure
Med 200
- FP 2023-117** DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Office of Alcohol and Drug Abuse Prevention
Certification and Operational Requirements for Opioid Treatment Programs
He-A 304.07 and He-A 304.18

Sen. Ward moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2023-57, 2023-58, 2023-59, 2023-79, 2023-108, 2023-109, 2023-114, 2023-119, 2023-122, 2023-123, 2023-127, 2023-126, and 2023-134, Proposed Interim Rule 2023-3, and EXRF 2023-7, and conditionally approve Final Proposals 2023-22, 2023-30, 2023-101, and 2023-117 based on the agencies' conditional approval requests.

Sen. Innis seconded.

Adopted.

4. The Committee discussed postponing FP 2022-232, FP 2023-27, FP 2023-116, FP 2023-48, FP 2023-61, and FP 2023-103 to another meeting.

Rep. Schmidt moved to approve the postponements, and to request waivers for FP 2023-116, FP 2023-48, FP 2023-61, and FP 2023-103 of the Committee's deadline to act on the Final Proposals.

Rep. Haaken-Phillips seconded.

Adopted.

5. The Committee discussed Final Proposal 2023-31 from the Board of Education (Procedures for Approval for Professional Educator Preparation Programs). Stephen Appleby from the Department of Education testified for the Board. The Board had submitted a Conditional Approval Request in amended rules dated 8-9-23.

Rep. Schmidt moved to conditionally approve Final Proposal 2023-31 based on the request and amending Ed 601.01(k) to read, "Clinical experience educator" means individuals from PEPPs and pre-K through 12 school-based licensed teachers, specialists, or administrators, who meet the requirements of Ed 604.03,

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including educators who assess, support, evaluate, and develop a candidate's knowledge, skills, or professional disposition.”

Sen. Innis seconded.

Adopted.

6. The Committee discussed Final Proposal 2023-44 from the Board of Professional Engineers (Ethical Standards and License Surrender). No one testified for the Board.

Senator Gray joined the meeting at this time. Rep. McGuire designated Sen. Gray to sit for Sen. Whitley, who was absent.

Rep. McGuire moved to postpone Final Proposal 2023-44 to another meeting, and to request a waiver of the Committee’s deadline to act on the Final Proposal.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2023-105 from the Board of Professional Geologists (Reinstatement of a License Lapsed for Non-Renewal). No one testified for the Board. The Board had submitted a Conditional Approval Request in amended rules dated 8-7-23.

Sen. Chandley moved to conditionally approve Final Proposal 2023-105 based on the request and amending Geo 401.05(h)(1) to include the name of the form, “Universal Application for License Renewal”, in the rule text without making any other changes to the substance of the sentence.

Sen. Ward seconded.

Adopted.

8. The Committee discussed Final Proposal 2023-136 from the Department of Environmental Services (Water Quality and Quantity Programs, Alteration of Terrain). Courtney Lockwood testified for the Department. The Department had submitted a Conditional Approval Request in amended rules dated 8-10-23.

Sen. Innis moved to conditionally approve Final Proposal 2023-136 based on the request and amending the last line of the certification on page 4 of the “Alteration of Terrain, Amendment Request Form”, NHDES-W-01-001, dated August 2023, to specifically cite RSA 641:3.

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed Final Proposal 2023-135 from the Department of Agriculture, Markets, and Food (Land Evaluation). No one testified for the Department.

Sen. Ward moved to preliminarily object to Final Proposal 2023-135 based on Committee Staff’s written comments.

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Additionally, the Committee expressed concern because the Department was not represented to answer questions about enforcement during the rule's expiration.

Rep. Schmidt seconded.

Adopted.

10. The Committee discussed Final Proposal 2023-142 from the Department of Business and Economic Affairs (Broadband Matching Grant Initiative (BMGI)). No one testified for the Department, although a representative was present. The Department had submitted a Conditional Approval Request in amended rules dated 8-9-23.

Sen. Innis moved to conditionally approve Final Proposal 2023-142 based on the request.

Sen. Ward seconded.

Adopted.

11. The Committee discussed Final Proposal 2023-49 from the Board of Natural Scientists (Ethical Standards) and Final Proposal 2023-50 (Ethical Standards) from the Real Estate Appraiser Board. No one testified for the Boards.

Rep. McGuire moved to postpone Final Proposal 2023-49 and Final Proposal 2023-50 to another meeting, and to request a waiver of the Committee's deadline to act on Final Proposal 2023-50.

Rep. Schmidt seconded.

Adopted.

12. The Committee took no action on Objection Response 2023-89 from the Department of Health and Human Services (Foster Family Care Licensing Requirements) as the Objection Response has not yet been filed.
13. The Committee discussed Emergency Rule Doc. #13689 from the Office of Professional Licensure and Certification (Changes to Respiratory Care Practitioners' Continuing Education Requirements).

The Committee took no action.

14. The Committee discussed the continued meeting scheduled for August 31, 2023. It was the consensus of the Committee to hold the continued meeting to discuss all postponed items.

15. The Committee discussed adjournment.

By consensus, the Committee recessed at 9:37 a.m.