



STATE OF NEW HAMPSHIRE  
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES  
ROOM 219  
25 CAPITOL STREET  
CONCORD, NEW HAMPSHIRE 03301-6312

**Action Minutes**  
**OCTOBER 17, 2013**

**Members Present:** Senators Reagan, Cataldo, and Lasky, and Representatives Schmidt, McGuire, Ladd, Sad, Kidder\*, Barry\*, and Hatch. (\*) 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 the meeting.

1. The meeting was convened at 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Cataldo and Lasky, and Reps. Schmidt, Ladd, Sad, Kidder, and Barry.

Sen. Reagan designated Rep. Barry as an alternate for Sen. Watters, who was absent. Sen. Reagan also designated Rep. Kidder as an alternate for Rep. MacKay, who was absent. However, Sen. Reagan indicated that, once Rep. Hatch arrived, Rep. Kidder would be an alternate for Sen. Rausch, who also was absent, and Rep. Hatch would be the alternate for Rep. MacKay.

2. The Committee discussed the minutes of the Committee meeting on October 3, 2013.

Rep. Schmidt moved that the minutes be approved.

Rep. Ladd seconded.

Adopted.

3. The Committee discussed the following Final Proposals and Proposed Expedited Repeal (Consent Agenda - Final Proposals and Proposed Expedited Repeal):

FP 2013-107	INSURANCE DEPARTMENT Credit for Reinsurance
FP 2013-108	INSURANCE DEPARTMENT Insurance Holding Companies
FP 2013-119	BANKING DEPARTMENT Definition of Board of Trust Company Incorporation and Access to Department Information
FP 2013-122	BOARD OF TRUST COMPANY INCORPORATION Organizational Rules of Board of Trust Company Incorporation
(e) FP 2013-123	BOARD OF TRUST COMPANY INCORPORATION Practice and Procedure of the Board of Trust Company Incorporation

EXP 2013-1                      POSTSECONDARY EDUCATION COMMISSION  
Degree Granting Higher Education Institutions

Rep. Ladd moved that the Final Proposals and Proposed Expedited Repeal be approved.

Rep. Schmidt seconded.

Adopted.

4. The Committee discussed Proposed Interim Rule INT 2013-13 from the Department of Environmental Services (Water Quality and Quantity Programs, Certified Salt Applicator Program). Gretchen Hamel, Eric Williams, and Earle Chase testified for the Department.

The following persons also testified:

Bruce Crawford of Boscawen, N.H.

Rick Belanger of Epsom, N.H.

Rep. McGuire and Rep. Hatch arrived during the public testimony. Rep. Hatch was now the alternate for Rep. MacKay, and Rep. Kidder the alternate for Sen. Rausch.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2013-13.

Rep. Hatch seconded.

Adopted.

Sen. Reagan noted for the record that Rep. McGuire and Rep. Barry voted "no."

5. The Committee discussed Proposed Interim Rule INT 2013-14 from the Department of Employment Security (Notice of Claim, Request to Employer for Separation Information Form, Waiver, and Determination on Claim). Marie-Helene Bailinson testified for the Department.

Sen. Lasky moved that the Committee approve Proposed Interim Rule INT 2013-14.

Rep. McGuire seconded.

Adopted.

6. The Committee discussed Final Proposal 2013-47 from the Department of Safety (Readoption of Various Carnival-Amusement Rules). David Hilts and Briggs Lockwood testified for the Department.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2013-47 on the condition that Saf-C 1407.01(f) on a fee for a replacement plate be deleted.

Rep. Barry seconded.

Adopted.

Sen. Reagan noted for the record that Sen. Lasky and Rep. Schmidt voted “no.”

Rep. Barry left the meeting at this time.

7. The Committee discussed Final Proposal 2013-65 from the Public Utilities Commission (Rate Case Expenses). Marcia Brown testified for the Commission.

Sen. Lasky moved that the Committee approve Final Proposal 2013-65.

Rep. Sad seconded.

Adopted.

8. The Committee discussed Final Proposal 2013-112 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Medicaid-Covered Home and Community Based Services for Persons with Developmental Disabilities and Acquired Brain Disorders). Michael Holt testified for the Department.

Rep. McGuire moved that staff no longer raise the issue in Committee staff’s annotation to He-M 517.01 of authority to combine services for persons with acquired brain disorders with services for persons with developmental disabilities.

Sen. Lasky seconded.

Adopted.

Rep. Hatch moved that the Committee approve Final Proposal 2013-112 with the understanding above.

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed the response of the Department of Health and Human Services to the Committee’s preliminary objection to Final Proposal 2013-28 (Former Division of Public Health Services, Ophthalmic Dispensing). Michael Holt, John Martin, and Christine Topham testified for the Department.

The following persons also testified:

Richard Bouley, representing the N.H. Opticians Society.

Richard Murphy, representing the N.H. Opticians Society.

Rep. Schmidt moved that the Committee accept the response and approve the rules.

Rep. Ladd seconded.

Adopted.

Sen. Reagan and Rep. Kidder left the meeting at this time. Rep. Schmidt as Vice-Chair became Acting Chair.

10. The Committee discussed the response of the Liquor Commission to the Committee’s preliminary objection to Final Proposal 2013-89 (Licensee Licensing and Physical Requirements Required for New or

Renewal Applications for Licenses). Scott Dunn, James Wilson, and Ivan Bass testified for the Commission.

Rep. Kidder returned to the meeting during the discussion of this item.

Rep. McGuire moved that the Committee accept the response and approve the rules, with the recommendation that the Commission compare the specific requirements on the various license forms with existing rules Liq 706 and applicable statutes and adjust the forms to be consistent with the rules and statutes.

Rep. Ladd seconded.

Adopted.

11. The Committee discussed adjourning the meeting and amending the scheduling of meetings in November.

It was the consensus of the Committee to cancel the continued Committee meeting scheduled for November 7, 2013, re-schedule the regular Committee meeting in November from Thursday, November 21 to Friday, November 22, and adjourn.

The Committee adjourned at 10:45 a.m.