



Action Minutes

November 19, 2020

Members Present: Representatives Hatch, McGuire, Schmidt, Hoelzel, Williams, Bershtein*, Karrick*, Lang*, and Schuett*, and Senators Reagan, Dietsch, Kahn, Ward, Watters, and Gray*.
 (*) 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 as a Zoom webinar at 9:00 a.m. by Rep. Hatch as Chair, who proceeded to read the script prepared by Committee staff regarding authorization for the Committee to meet remotely in accordance with the Governor’s Emergency Order #12 and pursuant to Executive Order 2020-4.
2. A roll call attendance was taken.

Members present remotely at this time, aside from Rep. Hatch, were Reps. McGuire, Schmidt, Williams, Karrick, Lang, and Schuett, who entered the meeting as the roll was called, and Sens. Reagan, Dietsch, Kahn, Ward, Watters, and Gray.

Rep. Hatch designated Rep. Bershtein as an alternate for Rep. Hoelzel, who was present before the meeting convened but did not respond to the roll call.

3. The Committee discussed the minutes of the Committee meeting on October 15, 2020.

Rep. McGuire moved that the minutes be approved, with an amendment to replace the word “form” in Item #2 regarding the roll call with the word “from.”

Sen. Ward seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Reagan	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Ward	X	
Sen. Watters	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Rep. Bershtein	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals:

- (a) FP 2020-43 DEPARTMENT OF SAFETY
 Commissioner
 Revision to Unsafe Vehicle Forms

- (b) FP 2020-82 DEPARTMENT OF SAFETY
 Commissioner
 Saf-C 2200 Licensing of Private Investigator, Security Guards, and
 Bail Recovery Agents Fee Rule Changes

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2.

Rep. Bershtein seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Reagan	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Ward	X	
Sen. Watters	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Rep. Bershtein	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

5. The Committee discussed whether to postpone action on certain items to another meeting.

Rep. Hatch as Chair indicated that the following items would be postponed to the next regular meeting on December 17, 2020:

8. DEPARTMENT OF ENVIRONMENTAL SERVICES

- OR 2020-54 Drinking Water Programs
 Drinking Water State Revolving Loan Fund Program
 (JLCAR Deadline January 21, 2021.)
 (Response not yet received. Response due by November 30, 2020.)

9. DEPARTMENT OF HEALTH AND HUMAN SERVICES

- (a) FP 2019-209 Former Division of Public Health Services
 Rules for Hospitals
 (JLCAR Deadline December 22, 2020. Former interim rules expired April 22, 2018.)

- (c) FP 2020-72 Commissioner
 NH Residential Child Care Licensing Rules
 (JLCAR Deadline December 22, 2020.)

10. DEPARTMENT OF CORRECTIONS

OR 2020-62 Visitation, Request Slips, Grievances, Resident Mail, E-Mail, &
Package Service
(JLCAR Deadline January 21, 2021.)
(Response not yet received. Response due by November 30, 2020.)

11. BOARD OF MENTAL HEALTH PRACTICE

(a) FP 2020-75 Organizational Rules
(JLCAR Deadline December 22, 2020.)

(b) FP 2020-78 Ethical and Professional Standards, Responsibilities of Licensees
(JLCAR Deadline December 28, 2020.)

Rep. Hatch called for a roll call vote. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Reagan	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Ward	X	
Sen. Watters	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Rep. Bershtein	X	

The vote was 10 “yes” and zero “no”.

The items were postponed.

6. The Committee discussed Final Proposal 2019-202 from the Department of Safety (Commissioner, Road Toll Administration).

Sen. Reagan moved that the Committee make a preliminary objection to Final Proposal 2019-202 based on the grounds as outlined in the annotations by Committee staff to the Final Proposal.

Rep. Hatch seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Reagan	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Ward	X	
Sen. Watters	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Rep. Bershtein	X	

The vote was 10 “yes” and zero “no”.

Action Minutes
November 19, 2020
Page 4

The motion was adopted.

7. The Committee discussed Final Proposal 2020-39 from the Department of Safety (Commissioner, Amendment to DSMV 428 Uniform Motor Vehicle Summons Form).

Rep. Hatch moved that the Committee approve Final Proposal 2020-39.

Rep. McGuire seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Reagan	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Ward	X	
Sen. Watters	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Rep. Bershtein	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

8. The Committee discussed Final Proposal 2020-56 from the Department of Health and Human Services (Commissioner, Limitations on Child Restraints and Seclusion Practices).

The Department had submitted a conditional approval request in amended rules dated November 12, 2020 and a draft amended conditional approval request in amended rules dated November 18, 2020.

Sen. Ward moved that the Committee conditionally approve Final Proposal 2020-56 based on the conditional approval request, as amended by the draft amended conditional approval request.

Sen. Kahn seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Reagan	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Ward	X	
Sen. Watters	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Rep. Bershtein	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

Action Minutes
November 19, 2020

Page 5

9. The Committee discussed the following emergency rule filed by the Department of Health and Human Services:

ER Doc. #13118 Former Division of Human Services
Emergency Rule Amendment Related to MEAD Disability Determination
(Effective October 19, 2020. Scheduled to expire April 17, 2021.)

No further action was taken.

10. The Committee discussed the following emergency rule filed by the Office of Professional Licensure and Certification (OPLC):

ER Doc. #13125 Initial Fees and Renewal Fees for Pharmacies and Mail Order Pharmacies
(Effective October 23, 2020. Scheduled to expire April 21, 2021.)

Thomas Broderick testified for the OPLC.

No further action was taken.

11. The Committee discussed proposed amendments to the Committee rules, as prepared by Committee staff, due to remote operation of the Office of Legislative Services, remote meetings of the Committee, and the amendments to RSA 541-A by HB 1425 and prior legislation. The amendments included changes to proposed rule 301.03 due to the Committee discussion on October 15, 2020.

Sen. Reagan moved that the Committee approve the amended Committee rules.

Rep. Hatch seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Reagan	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Ward	X	
Sen. Watters	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Rep. Bershtein	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

12. The Committee discussed SB 576 from the 2020 session, which had failed to pass, and a proposed motion from Sen. Kahn, as outlined in a Committee staff memorandum dated October 8, 2020, relative to (1) support by the Committee when reviewing proposed rules from agencies under the Office of Professional Licensure and Certification (OPLC) that its Executive Director has authority to adopt all fees and (2) support by the Committee for legislation to clarify that the rulemaking authority of the OPLC Executive Director includes rules on application forms and record keeping and a record keeping and retention policy for the agencies under the OPLC.

Sen. Kahn moved that the Committee approve the motion as presented.

Sen. Dietsch seconded.

Action Minutes
November 19, 2020
Page 6

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Reagan	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Ward	X	
Sen. Watters	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Rep. Bershtein	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

13. The Committee discussed the continued meeting scheduled for December 3, 2020.

It was the consensus of the Committee that the continued meeting be cancelled.

14. The Committee discussed adjournment.

Instead of taking a roll call vote, the Committee adjourned at the call of the Chair as there was no objection to adjournment.

The Committee adjourned at 9:42 a.m.