



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

Action Minutes

NOVEMBER 21, 2019

Members Present: Representatives Hatch, Schmidt, Williams, Hoelzel, Lang*, Karrick*, Bershtein*, and Schuett*, and Senators Reagan, Kahn, Ward, and Chandley*. (*) 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. Hatch as Chair.

Members present at this time, aside from Rep. Hatch, were Reps. Hoelzel, Karrick, Bershtein, and Schuett, and Senators Reagan and Ward.

Rep. Hatch designated Rep. Bershtein, Rep. Karrick, and Rep. Schuett as alternates, respectively for Rep. Williams, Rep. McGuire, and Rep. Schmidt, who were absent.

2. The Committee discussed the minutes of the Committee meeting on November 7, 2019.

Sen. Reagan moved that the minutes be approved.

Sen. Ward seconded.

Adopted.

Rep. Williams arrived at this time. Rep. Bershtein was no longer a voting member.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals and Proposed Interim Rules:

FP 2019-103	DEPARTMENT REVENUE ADMINISTRATION Tax Credit for Combat Service
FP 2019-130	DEPARTMENT OF ENVIRONMENTAL SERVICES Hazardous Waste Programs Hazardous Waste – Organization and Definitions
FP 2019-131	DEPARTMENT OF ENVIRONMENTAL SERVICES Hazardous Waste Programs Hazardous Waste – Procedural Rules for e-Manifests and Import/Export

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- FP 2019-132 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste Amendments: E-Manifest-Related Revisions to Permits, Identification of Hazardous Waste, Generators, Transporters, Facility Owners/Operators, Recycling, Universal Waste, Land Disposal Restrictions.
- FP 2019-139 FISH AND GAME DEPARTMENT
Island Fisheries and Fishing Tournament Rules
- FP 2019-143 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Homeless Shelter Deduction
- FP 2019-146 OIL FUND DISBURSEMENT BOARD
Oil Fund Disbursement Board – Definitions, Organizational and Procedural Rules
- FP 2019-147 OIL FUND DISBURSEMENT BOARD
Oil Fund Disbursement Board – Rules for Reimbursement
- FP 2019-149 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Mental Health and Developmental Services
Personal Safety Emergencies – Emergency Medication and Other Emergency Treatment)
- FP 2019-159 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Duties and Responsibilities of a Licensee and Medication Services
- FP 2019-170 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Radiation Safety Requirements for Industrial Radiographic Operations
- FP 2019-171 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
The Physical Protection of Category 1 and Category 2 Quantities of Radioactive Material
- FP 2019-172 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Exemptions from Registration Fee
- INT 2019-30 DEPARTMENT OF SAFETY
Mechanical Licensing Board
Breath Testing Additional Test Intern

Sen. Reagan moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals and proposed Interim Rule in Item #2.

Rep. Williams seconded.

Adopted.

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

Sen. Reagan moved that the Committee postpone action on the following items to the next Committee meeting:

11. DEPARTMENT OF HEALTH AND HUMAN SERVICES

- (h) OR 2019-100 Former Division of Public Health Services
Rules for Residential Treatment and Rehabilitation Facilities
(JLCAR Deadline February 11, 2020. Former interim rules expired August 19, 2019.)
(Response not yet filed. Response due by December 23, 2019.)

12. BOARD OF MEDICINE

- OR 2019-46 Licensure Requirements, Renewal Requirements, Ethical Standards, and
Physician Assistant Rules
(JLCAR Deadline February 11, 2020.)
(Response not yet filed. Response due by December 23, 2019.)

13. PHARMACY BOARD

- OR 2019-74 Inspections
(JLCAR Deadline February 11, 2020.)
(Response not yet filed. Response due by December 23, 2019.)

14. BOARD OF ACCOUNTANCY

- OR 2019-107 Application for Initial Certification, Reciprocity, and Return to Active Practice
(JLCAR Deadline February 11, 2020.)
(Response not yet filed. Response due by December 23, 2019.)

Rep. Hoelzel seconded.

Adopted.

Sen. Chandley and Sen Kahn arrived during the discussion of this item.

5. The Committee discussed Final Proposal 2019-89 from the Department of Safety (Commissioner, Licensing of Private Investigators, Security Guards, and Bail Recovery Agents). Keith Lohmann testified for the Department.

Rep. Hatch designated Sen. Chandley as an alternate for Sen. Watters, who was absent.

Sen. Reagan moved that the Committee approve Final Proposal 2019-89 with the recommendation that the Department seek a legislative exemption, with the assistance of Sen. Reagan, from rulemaking requirements regarding the use of the fee established by the FBI for the processing of fingerprints for background checks in order to address the issue in the comments by Committee staff to Saf-C 2205.01(a).

Sen. Kahn seconded.

Adopted.

6. The Committee discussed Final Proposal 2019-174 from the Department of Safety. (Commissioner, Various Motor Vehicle Inspection Rules). Marat Modigliani and Elizabeth Bielecki, Director of the Division of Motor Vehicles, testified for the Department.

In the meeting the Department had submitted a conditional approval request in a letter and amended rules dated November 21, 2019 and with a form.

Rep. Schmidt arrived during the discussion of this item. Rep. Schuett was no longer a voting member. Sen. Reagan moved that the Committee conditionally approve Final Proposal 2019-174 based on the request.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2019-148 from the Passenger Tramway Safety Board (Passenger Tramway Safety Rules). Heidi Barba of the Department of Safety testified for the Board.

The Board had submitted a conditional approval request in a letter and amended rules dated November 14, 2019 and an amended conditional approval request in a letter and amended rules dated November 20, 2019.

Rep. Williams moved that the Committee conditionally approve Final Proposal 2019-148 based on the amended conditional approval request.

Sen. Kahn seconded.

Adopted.

8. The Committee discussed Final Proposal 2019-92 from the Liquor Commission (Direct Shipping).

The Commission had submitted a conditional approval request in a letter and amended rules dated November 19, 2019.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2019-92 based on the request.

Rep. Schmidt seconded.

Adopted.

Steven Judge testified for the Commission after the vote was taken.

9. The Committee discussed Proposed Expedited Revision to Form EXRF 2019-5 from the Liquor Commission (Request for Application (Mini-app)).

The Commission had withdrawn the proposal on November 19, 2019.

It was the consensus of the Committee to take no further action.

10. The Committee discussed Final Proposal 2019-95 from the Department of Revenue Administration (Low and Moderate Income Homeowners Property Tax Relief). Sean Thomas testified for the Department.

Rep. Hatch designated Rep. Karrick as an alternate for Sen. Dietsch, who was absent, instead of for Rep. McGuire, and designated Rep. Bershtein as an alternate for Rep. McGuire.

Sen. Reagan moved that the Committee approve Final Proposal 2019-95 with the recommendation that the Department seek a legislative exemption, with the assistance of Sen. Reagan, from rulemaking requirements of Department procedures relating to tax audits to address staff comments to Rev 1206.01 in the Final Proposal.

Rep. Schmidt seconded.

Rep. Lang arrived in the meeting at this time, but was not a voting member.

The motion was adopted.

11. The Committee discussed Final Proposal 2019-101 from the Department of Health and Human Services (Division of Elderly and Adult Services, Social Services Block Grant (Title XX)). Kim Reeve and Douglas Osterhoudt testified for the Department.

The Department had submitted a conditional approval request in a letter dated November 20, 2019 and amended rules.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2019-101 based on the request.

Rep. Williams seconded.

Adopted.

12. The Committee discussed Final Proposal 2019-105 from the Department of Health and Human Services (Former Division of Public Health Services, Health Care Associated Infections Reporting). Allyson Zinno and Katrina Hansen testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated November 20, 2019.

Sen. Kahn moved that the Committee conditionally approve Final Proposal 2019-105 based on the request.

Sen. Reagan seconded.

Adopted.

13. The Committee discussed Final Proposal 2019-124 from the Department of Health and Human Services (Former Division of Public Health Services, Adult Family Care Residences). Allyson Zinno and Peter Bacon testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated November 19, 2019.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2019-124 based on the request.

Rep. Schmidt seconded.

Adopted.

14. The Committee discussed Final Proposal 2019-137 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Rights Protection Procedures for Developmental Services). Kim Reeve testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated November 19, 2019.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2019-137 based on the request.

Rep. Schmidt seconded.

Adopted.

15. The Committee discussed Final Proposal 2019-141 from the Department of Health and Human Services (Former Division of Human Services, Dental Services). Kim Reeve and Dr. Sarah Finne testified for the Department.

The Department had submitted a conditional approval request in a letter dated November 13, 2019 and amended rules.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2019-141 based on the request.

Rep. Schmidt seconded.

Adopted.

16. The Committee discussed the following Proposed Interim Rules from the Department of Health and Human Services which had been withdrawn by the Department:

INT 2019-31 Commissioner
 Child Care Scholarship Standard Rate Methodology

INT 2019-32 Commissioner
 Child Care Billing and Payment Requirements

It was the consensus of the Committee to take no further action.

17. The Committee discussed the continued meeting scheduled for December 5, 2019.

It was the consensus of the Committee to cancel the continued meeting.

18. Rep. Hatch moved that the Committee adjourn.

Sen. Reagan seconded.

Adopted.

The Committee adjourned at 9:50 a.m.