



## **Action Minutes**

**December 16, 2021**

**Members Present:** Senators Reagan, Gray, and Ward, and Representatives Bershtein, Hatch, Lang, Schmidt, and Tucker\*. (\*) 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 an in-person meeting at 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Senators Gray and Ward, and Representatives Bershtein, Hatch, Lang, Schmidt, and Tucker.

Sen. Reagan designated Rep. Tucker as an alternate for Rep. McGuire, who was absent.

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

Rep. Hatch moved that the Committee postpone the following item to the regular Committee meeting on January 21, 2021 and that the Committee request a waiver of its January 10, 2022 deadline from the Director of Legislative Services pursuant to RSA 541-A:40, IV, with a new deadline of January 21, 2022.

### ***12. DEPARTMENT OF HEALTH AND HUMAN SERVICES***

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| (a) FP 2021-55 | Division of Elderly and Adult Services<br>Choices for Independence Program<br>(JLCAR Deadline January 10, 2022.) |
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Rep. Schmidt seconded.

Adopted.

3. The Committee discussed the minutes of the Committee meeting on November 18, 2021.

Rep. Schmidt moved that the minutes be approved.

Rep. Hatch seconded.

Adopted.

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

### **CONSENT AGENDA**

#### ***2. Committee Approval of Final Proposals:***

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|----------------|---|
| (a) FP 2021-58 | BOARD OF FAMILY MEDIATOR CERTIFICATION<br>Standards in a Situation Involving Domestic Violence or Abuse |
| (b) FP 2021-95 | DEPARTMENT OF HEALTH AND HUMAN SERVICES<br>Commissioner<br>Determining Financial Eligibility            |

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| (c) FP 2021-97  | DEPARTMENT OF SAFETY<br>Commissioner<br>Tuition Discounts for Firefighter Certification Courses I and II  |
| (d) FP 2021-99  | DEPARTMENT OF ENVIRONMENTAL SERVICES<br>Wetlands Programs<br>Registration of Legally Existing Docking Structures in<br>Non-Tidal Waters                         |
| (e) FP 2021-100 | DEPARTMENT OF HEALTH AND HUMAN SERVICES<br>Former Division of Human Services<br>Determination of the Grant  |
| (f) FP 2021-101 | DEPARTMENT OF EMPLOYMENT SECURITY<br>Definitions of Employer Requirements   |
| (g) FP 2021-108 | INSURANCE DEPARTMENT<br>Residency Requirements for the Automobile Insurance<br>In the Voluntary Market and the New Hampshire<br>Automobile Reinsurance Facility |

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

Rep. Bershtein seconded.

Adopted.

5. The Committee discussed the response by the Lottery Commission to the Committee's preliminary objection to Final Proposal 2021-84 (Historic Horse Racing).

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

Rep. Tucker seconded.

Adopted.

6. The Committee discussed Final Proposal 2021-67 from the Pharmacy Board (Pharmacist Initiation and Dispensing of Hormonal Contraceptives). Tina Kelley from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in rules dated December 1, 2021.

Rep. Hatch moved that the Committee accept the request pursuant to RSA 541-A:13, II(b) and Committee rule 301.03(b), because the conditional approval request was filed after the 7-day deadline prior to the Committee meeting,

Rep. Lang seconded.

Adopted.

After further discussion, Rep. Hatch moved that the Committee make a preliminary objection to Final Proposal 2021-67 based on the annotations to the Final Proposal by Committee staff.

Sen. Gray seconded.

Adopted.

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7. The Committee discussed Final Proposal 2021-75 from the Governing Board of Occupational Therapists (Physical Agent Modalities). Tina Kelley from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in amended rules dated November 1, 2021 and an amended conditional request in amended rules dated November 29, 2021.

Rep. Hatch moved that the Committee conditionally approve Final Proposal 2021-75 based on the amended conditional approval request.

Sen. Gray seconded.

Adopted.

8. The Committee discussed Final Proposal 2021-106 from the Office of Professional Licensure and Certification (Per Diem Compensation; Reimbursable Expenses). Executive Director Lindsey Courtney testified for the Office.

Rep. Lang moved that the Committee approve Final Proposal 2021-106 with the recommendation that the Office insert, as an editorial change, the words "*in the Collective Bargaining Agreement*" at the end of Plc 1003.05(b).

Rep. Tucker seconded.

Adopted.

9. The Committee discussed an emergency rule filed in Document #13300, effective December 3, 2021, by the Board of Nursing (Licensed Nursing Assistant).

No further action was taken.

10. The Committee discussed an emergency rule filed in Document #13301, effective December 3, 2021, by the Board of Nursing (Restricted Licensing Pending Criminal Records Check).

No further action was taken.

11. The Committee discussed an emergency rule filed in Document #13304, effective December 10, 2021, by the Department of Health and Human Services (Temporary Acute Care Centers Located Within a Hospital).

No further action was taken.

12. The Committee discussed Final Proposal 2021-88 from the Fish and Game Department (Conservation of Threatened and Endangered Species). Christopher Aslin from the Department of Justice testified for the Fish and Game Department.

The following persons also testified:

Jennifer McCourt, PE, representing McCourt Engineering Associates, PLLC.  
Gary Abbott, representing the Associated General Contractors of New Hampshire.  
Suzanne Fournier.

Rep. Lang moved that the Committee approve Final Proposal 2021-88.

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Rep. Hatch seconded.

Adopted. It was noted for the record that Rep. Tucker voted “no.”

13. The Committee discussed Final Proposal 2021-87 from the Department of Environmental Services (Water Quality and Quantity Programs, Requirements for Alteration of Terrain Permits and Consultation with NH Fish and Game Department). Pam Monroe testified for the Department.

The Department had submitted a conditional approval request in a letter dated December 9, 2021 and amended rules dated November 29, 2021.

Rep. Lang moved that the Committee conditionally approve Final Proposal 2021-87 based on the request.

Rep. Bershtein seconded.

Adopted.

14. The Committee discussed a tentative schedule for Committee regular and continued meetings in 2022 as prepared by Committee staff.

Sen. Ward moved that the Committee approve the schedule.

Rep. Lang seconded.

Adopted.

15. The Chair announced that the Committee meeting was the last meeting to be attended by Scott Eaton, Administrative Rules Director and head of Committee staff, due to his retirement on December 31, 2021, after 36 ½ years of service with the Office of Legislative Services and 41 years with the State.

Mr. Eaton gave a short statement, and the Committee members applauded, which was much appreciated.

16. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 9:58 a.m.