



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

ROOM 219
25 CAPITOL STREET
CONCORD, NEW HAMPSHIRE 03301-6312

Action Minutes

FEBRUARY 15, 2019

Members Present: Representatives Hatch, McGuire, Schmidt, Williams, Hoelzel, Schuett*, Karrick*, and Lang*, and Senators Reagan, Kahn, Dietsch, 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 at 9:00 a.m. by Rep. Hatch as Chair.

Members present at this time, aside from Rep. Hatch, were Reps. McGuire, Schmidt, Williams, Hoelzel, Karrick, and Lang, and Sens. Reagan, Kahn, Dietsch, and Gray.

Rep. Hatch designated Sen. Gray and Rep. Karrick as alternates, respectively, for Sen. Ward and Sen. Feltes, who were absent. Rep. Lang was therefore not a voting member at this time.

2. The Committee discussed the minutes of the Committee meeting on January 18, 2019.

Sen. Reagan moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals:

FP 2018-153	ELECTRICIANS' BOARD Meetings
FP 2018-196	DEPARTMENT OF ENVIRONMENTAL SERVICES Water Quality and Quantity Programs Underground Injection Control Requirements
FP 2018-199	LOTTERY COMMISSION Rules for All Instant Lottery Games
FP 2018-202	DEPARTMENT OF REVENUE ADMINISTRATION Qualified Regenerative Manufacturing Companies

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

Sen. Reagan seconded.

Adopted.

4. The Committee discussed the response by the Department of Health and Human Services to the Committee's objection to Proposed Interim Rule INT 2018-26 (Former Division of Human Services, NH Granite Advantage Health Care Program). Kim Reeve and Melissa St. Cyr testified for the Department.

The Department had submitted a request for editorial changes in a letter and amended rules dated February 13, 2019.

Sen. Reagan moved that the Committee accept the response and approve the rules, with a recommendation to the Director of the Office of Legislative Services that he accept as editorial changes in the adopted rule both the changes requested by the Department and changes to address the editorial comments by Committee staff to the rules.

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Proposed Interim Rule INT 2019-4 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Rights Protection Procedures). Kim Reeve and Melissa Nemeth testified for the Department.

Rep. Schuett arrived during the discussion of this item, but she was not a voting member at this time.

Sen. Reagan moved that the Committee approve Proposed Interim Rule INT 2019-4.

Rep. Schmidt seconded.

Adopted.

6. The Committee discussed Proposed Interim Rule INT 2019-5 from the Department of Health and Human Services (Former Division of Human Services, Medical Services Clinics). Kim Reeve and Byry Kennedy testified for the Department.

Sen. Reagan moved that the Committee approve Proposed Interim Rule INT 2019-5.

Sen. Kahn seconded.

Adopted.

7. The Committee discussed Proposed Interim Rule INT 2019-6 from the Department of Health and Human Services (Former Division of Public Health Services, Rules for Residential Treatment and Rehabilitation Facilities). Allyson Zinno and Doreen Shockley testified for the Department.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2019-6.

Sen. Reagan seconded.

Adopted.

8. The Committee discussed Proposed Interim Rule INT 2019-7 from the Department of Health and Human Services (Former Division of Public Health Services, Sanitary Production and Distribution of Food). Allyson Zinno and Colleen Smith testified for the Department.

Sen. Reagan moved that the Committee conditionally approve Proposed Interim Rule INT 2019-7 on the condition that Part He-P 2312 be deleted from the proposal.

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed Final Proposal 2018-159 from the Board of Nursing (Application Procedure). Thomas Broderick from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in a memo and amended rules dated January 15, 2019 and an amended conditional approval request in a memo and amended rules dated February 13, 2019.

Sen. Kahn moved that the Committee conditionally approve Final Proposal 2018-159 based on the amended conditional approval request.

Rep. Karrick seconded.

Adopted.

10. The Committee discussed Final Proposal 2018-154 from the Electricians' Board (Third Party Electrical Inspectors). Thomas Broderick from the Office of Professional Licensure and Certification and Dean Sotirakopoulos testified for the Board.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2018-154 on the condition that Elec 304.05(f) be deleted and with the recommendation that the Board seek legislative clarification of RSA 319-C, with the assistance of Rep. McGuire, relative to its authority to set levels of approved third party electrical inspectors.

Sen. Reagan seconded.

After further discussion, Rep. McGuire amended her motion to add the further recommendation that the Board not file the adopted rules for at least 30 days after adoption.

Sen. Reagan amended his second.

The motion as amended was adopted.

11. The Committee discussed Final Proposal 2018-201 from the Electricians' Board (Supervision). Thomas Broderick from the Office of Professional Licensure and Certification and Dean Sotirakopoulos testified for the Board.

Rep. McGuire moved that the Committee approve Final Proposal 2018-201 with the recommendation that the Board seek legislative clarification of RSA 319-C, with the assistance of Rep. McGuire, to address the comments by the Committee staff to the Final Proposal.

Sen. Reagan seconded.

Adopted.

12. The Committee discussed Final Proposal 2018-198 from the Lottery Commission (Rules for Prize Claims). Valerie King testified for the Commission.

The Commission had submitted a conditional approval request in amended rules dated February 14, 2019.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2018-193 based on the request.

Rep. McGuire seconded.

Adopted.

13. The Committee discussed the response by the Department of Safety to the Committee's preliminary objection to Final Proposal 2018-122. Keith Lohmann testified for the Department.

Sen. Kahn left during the discussion of this item.

Sen. Reagan moved that the Committee accept the response and approve the rules.

Sen. Dietsch seconded.

Adopted.

14. The Committee discussed the continued meeting scheduled for March 1, 2019.

Sen. Kahn returned to the meeting during the discussion of this item.

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

15. The Committee adjourned by consensus at 9:52 a.m.