



STATE OF NEW HAMPSHIRE  
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

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

Action Minutes

**MARCH 15, 2013**

**Members Present:** Senators Reagan, and Rausch, and Representatives Schmidt, McGuire, MacKay, Sad, Ladd, Barry\*, and Gottling\*. (\*) 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 Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sen. Rausch and Reps. Schmidt, McGuire, MacKay, Ladd, Barry, and Gottling.

Sen. Reagan designated Rep. Gottling and Rep. Barry as alternates for absent regular members. Under Committee rule 102.06 on designation of alternates, this meant that Rep. Gottling was an alternate for Sen. Lasky or Sen. Watters and that Rep. Barry was an alternate for Sen. Cataldo.

2. The Committee discussed the minutes of the Committee meeting on February 15, 2013.

Rep. Schmidt moved that the minutes be approved.

Rep. Sad arrived in the meeting at this time.

Sen. Rausch seconded the motion.

Adopted.

3. The Committee discussed the following Final Proposals and Proposed Interim Rule (Consent Agenda – Final Proposals and Proposed Interim Rule):

FP 2012-142 GOVERNING BOARD OF SPEECH LANGUAGE PATHOLOGISTS  
Pre-Hearing Disclosure of Witnesses and Exhibits

FP 2012-145 GOVERNING BOARD OF SPEECH LANGUAGE PATHOLOGISTS  
Administrative Obligations of Individuals Certified as Speech-Language Assistants

FP 2012-182 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Public Health Services  
Maternal Mortality Review Panel Rules

FP 2012-183 CURRENT USE BOARD  
Assessment Ranges for Forest Land Categories, With and Without Documented Stewardship

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- FP 2012-184 CURRENT USE BOARD  
Assessment Ranges for Unproductive Land and Wetland Categories
- FP 2012-186 CURRENT USE BOARD  
Form A-5 Land Use Change Tax
- FP 2012-191 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Excluded Income for Food Stamp Eligibility
- FP 2012-193 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Air Related Programs  
Acid Deposition Control Program
- FP 2012-195 BOARD OF NURSING  
Organizational Rules
- FP 2012-196 BOARD OF NURSING  
Practice and Procedure
- FP 2012-197 BOARD OF NURSING  
Ethical Standards
- FP 2012-199 DEPARTMENT OF AGRICULTURE, MARKETS, AND FOOD  
Weights and Measures Fee Rules
- FP 2013-5 DEPARTMENT OF REVENUE ADMINISTRATION  
Financial Accounting for Schools
- INT 2013-3 BOARD OF REGISTRATION OF FUNERAL DIRECTORS AND EMBALMERS  
Registration and Licensure of Apprentice Embalmer, Embalmer, and Funeral Director

Sen. Rausch moved that the Committee approve the Final Proposals and Proposed Interim Rule, with the exception of Final Proposal 2012-182.

Rep. Schmidt seconded.

Adopted.

4. The Committee discussed Final Proposal 2012-182 from the Department of Health and Human Services (Former Division of Public Health Services, Maternal Mortality Review Panels). Michael Holt testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2012-182.

Sen. Rausch seconded.

Adopted.

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

Rep. Schmidt moved that the Committee postpone action on the following item to the regular Committee meeting on April 19, 2013:

**12. 10:50 a.m. PUBLIC UTILITIES COMMISSION**

FP 2012-132 Rules for Gas Service  
(JLCAR Deadline April 11, 2013.)

Rep. McGuire seconded.

Adopted.

Rep. Schmidt moved that the Committee request the Director of the Office of Legislative Services to waive the deadline of April 11, 2013 to a new deadline of April 19, 2013.

Rep. McGuire seconded.

Adopted.

6. The Committee discussed Final Proposal 2012-143 from the Governing Board of Speech Language Pathologists (Required Documents for Full and Conditional Licensure). Tina Kelley testified for the Board.

The Board had submitted a conditional approval request in an amendment to Spe 303.04(f) dated March 14, 2013.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2012-143 based on the request.

Rep. McGuire seconded.

Adopted.

7. The Committee discussed Final Proposal 2012-144 from the Governing Board of Speech Language Pathologists (License Renewal Application Form, Supporting Material for Reinstatement, Continuing Education, and Licensee Obligations). Tina Kelley testified for the Board.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2012-144 on the condition that Spe 405.07(a) be amended as suggested in the Committee staff's annotation.

Rep. Schmidt seconded.

Adopted.

8. The Committee discussed Final Proposal 2012-198 from the Board of Nursing (Nursing Education Program Approval). Denise Nies, Executive Director of the Board, testified for the Board.

The Board had submitted a conditional approval request in a cover memo dated March 7, 2013 and amended rule dated February 21, 2013 and had also submitted an amended conditional approval request in a further amended rule dated March 14, 2013.

Rep. MacKay moved that the Committee accept the amended conditional approval request and conditionally approve Final Proposal 2012-198 based on the amended request.

Rep. McGuire seconded.

Adopted.

9. The Committee discussed Final Proposal 2012-114 from the Department of Health and Human Services (Former Division of Human Services, Ambulance Services). Michael Holt and Jane Hybsch testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2012-114.

Rep. MacKay seconded.

The motions were then withdrawn, and Michelle M. Winchester testified.

Rep. Barry left the meeting at this time.

Rep. Schmidt moved that the Committee approve Final Proposal 2012-114.

Sen. Rausch seconded.

Adopted.

Rep. McGuire left the meeting at this time.

10. The Committee discussed Final Proposal 2012-129 from the Department of Safety (Watercraft Safety Rules). Marta Modigliani testified for the Department.

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

Rep. Schmidt moved that the Committee conditionally approve final Proposal 2012-129 on the condition that Saf-C 407.04(a)(2) be amended to replace the word "limited" with "allowed."

Rep. MacKay seconded.

Adopted.

11. The Committee discussed the response by the Governor's Commission on Disability to the Committee's preliminary objection to Final Proposal 2012-189 (Rules for the Telecommunications Equipment Assistance Program).

Rep. Schmidt moved that the Committee (1) make a final objection to Final Proposal 2012-189 on the ground that rule Gcd 303.04 containing the requirements of the application form was contrary to the public interest by being unclear through inconsistency with the requirements of the Commission's form document itself, and (2) recommend that the Commission not use the current form but change it to be consistent with the rule, especially by removing the requirements on the form for a Social Security number.

Rep. McGuire seconded.

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

	Yes	No
Rep. Ladd	X	
Rep. McGuire	X	
Rep MacKay	X	
Rep. Sad	X	
Rep. Schmidt	X	
Rep. Gottling	X	
Sen. Rausch	X	
Sen. Reagan	X	
<b>Total</b>	<b>8</b>	<b>0</b>

The vote was 8 “yes” and zero “no”.

The motion was adopted.

It was the consensus of the Committee that the final objection was made in lieu of voting to support the sponsorship of a joint resolution.

12. The Committee discussed the response by the Governor’s Commission on Disability to the Commission’s preliminary objection to Final Proposal 2012-190 (Rules Related to Permanent Registration of Service Animals).

Rep. MacKay moved that the Committee approve Final Proposal 2012-190 with the recommendation that the Board notify the relevant standing policy committees for their input as it should have done pursuant to RSA 541-A:10, I, for this rulemaking, including notice to the House Executive Departments and Administration Committee.

Sen. Rausch seconded.

Adopted.

13. The Committee discussed cancellation of the continued meeting scheduled for April 5, 2013.

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

14. Rep. Schmidt moved that the Committee adjourn.

Sen. Rausch seconded.

Adopted.

The Committee adjourned at 10:25 a.m.