



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

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

Action Minutes

APRIL 20, 2018

Members Present: Senators Reagan, Avard, and Ward*, and Representatives McGuire, Schmidt, Lang, Hatch, Wolf, Ebel*, and Matthews*. (*) 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 9:04 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Avard and Ward, and Reps. McGuire, Schmidt, Lang, Hatch, Wolf, Ebel, and Matthews.

Sen. Reagan designated Sen. Ward, Rep. Ebel, and Rep. Matthews as alternates, respectively, for Senators French, Feltes, and Kahn, who were absent.

2. The Committee discussed the minutes of the Committee meeting on March 16, 2018.

Rep. McGuire moved that the minutes be approved with an amendment on page 5 to the motion to conditionally approve Final Proposal 2017-148 for the Department of Safety (Commissioner, Driver Education Rules) so that the motion reads: "Rep. Hatch moved that the Committee conditionally approve Final Proposal 2017-148 based on the request but with a further amendment to replace the words "Arrest, conviction, or indictment" in Saf-C 3106.01(c)(1)-(3), (6), and (7), and Saf-C 3106.02(b)(1)-(6) with "Conviction, or unadjudicated arrest or indictment," and to replace the words "Arrest or indictment" in Saf-C 3106.01(c)(4) with "Unadjudicated arrest or indictment."

Rep. Schmidt seconded.

Adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals:

FP 2017-145	LOTTERY COMMISSION Repeal of Racing Rules
FP 2018-8	BOARD OF MENTAL HEALTH PRACTICE Application Process for Those Licensed in Another State
FP 2018-16	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Mental Health and Developmental Services Approval and Operation of Community Mental Health Programs

FP 2018-18 DEPARTMENT OF SAFETY
Commissioner
Various Sexual Offender/Offender Against Children Registration Rules

FP 2018-19 DEPARTMENT OF SAFETY
Commissioner
Preliminary Breath Test Devices Rules

FP 2018-34 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Mental Health and Developmental Services
Admissions to Glenclyff Home

Rep. Schmidt moved that the Committee approve the Consent Agenda.

Rep. Hatch seconded.

Adopted.

4. The Committee discussed Final Proposal 2017-159 from the Department of Environmental Services (Drinking Water Programs, Groundwater Monitoring and Treatment). Peter Demas testified for the Department.

Rep. McGuire left the meeting during the discussion of this item.

Rep. Lang moved that the Committee approve Final Proposal 2017-159.

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Final Proposal 2017-146 from the Lottery Commission (Live and Simulcast Racing). Valerie King testified for the Commission.

The Commission had submitted a conditional approval request in a letter and amended rules dated April 19, 2018.

Rep. McGuire returned to the meeting during the discussion of this item, and Senator Avard left.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2017-146 based on the request.

Rep. Lang seconded.

Adopted.

6. The Committee discussed Final Proposal 2017-182 from the Board of Nursing (Meetings, Quorum; Committees). Robert Lamberti 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 April 18, 2018.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2017-182 based on the request.

Rep. Lang seconded.

Adopted.

7. The Committee discussed Final Proposal 2017-166 from the Insurance Department (Annuity Disclosure). Marty Mobley and Heather Silverstein testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2017-166.

Rep. Hatch seconded.

Adopted.

8. The Committee discussed Final Proposal 2018-2 from the Board of Education (Specialist in Assessment of Intellectual Functioning). Amanda Phelps and William Ross from the Department of Education testified for the Board.

Rep. McGuire moved that the Committee approve Final Proposal 2018-2.

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed Final Proposal 2018-29 from the Department of Health and Human Services (Commissioner, Monitoring of License-Exempt Facilities, and Family and Friends Child Care Providers Accepting Child Care Scholarship).

The Department had submitted a conditional approval request in a letter and amended rules dated April 19, 2018.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2018-29 based on the request.

Rep. Ebel seconded.

Adopted.

10. The Committee discussed Proposed Expedited Revision to Agency Form EXRF 2018-1 from the Department of Health and Human Services (Commissioner, Expedited Revision to Form 1715 "Foster Care/Adoption Application"). Allyson Zinno and Kathleen Companion testified for the Department.

Rep. McGuire moved that the Committee make a preliminary objection to Proposed Expedited Revision to Agency Form 2018-1 on the ground that the form is contrary to legislative intent pursuant to RSA 170-E:29, II-a by requiring "all prior addresses" of persons who have not lived in New Hampshire for 7 or more years instead of requiring all addresses resided at for the last 5 years.

Rep. Schmidt seconded.

Adopted.

11. The Committee discussed Final Proposal 2018-5 from the Department of Safety (Commissioner, Various Road Toll Administration Rules). David Hilts testified for the Department. Scott Bryer also represented the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2018-5.

Rep. Hatch seconded.

Adopted.

12. The Committee discussed Final Proposal 2018-13 from the Department of Safety (Commissioner, Hazardous Material Transportation Rules). Marta Modigliani testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2018-13.

Rep. Hatch seconded.

Adopted.

13. The Committee discussed Final Proposal 2018-17 from the Department of Safety (Commissioner, Alcohol and Controlled Drug Rules). Keith Lohmann testified for the Department.

The Department had submitted a conditional approval request in a letter dated April 18, 2018 and amended rules dated April 16, 2018.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2018-17 based on the request.

Rep. Schmidt seconded.

Adopted.

14. The Committee discussed Final Proposal 2018-24 from the Department of Safety (Commissioner, Opioid Grant Rules). Keith Lohmann testified for the Department.

The Department had submitted a conditional approval request in a letter dated April 18, 2018 and amended rules dated April 16, 2018.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2018-24 based on the request.

Rep. McGuire seconded.

Adopted.

15. The Committee discussed the continued meeting scheduled for May 4, 2018.

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

16. Rep. McGuire moved that the Committee adjourn.

Rep. Schmidt seconded.

Adopted.

The Committee adjourned at 10:15 a.m.