



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

**Action Minutes**

**MAY 16, 2014**

**Members Present:** Senators Reagan, Rausch, and Cataldo, and Representatives Schmidt, McGuire, MacKay, Ladd, Sad, Kidder\*, Hatch\*, and Barry. (\*) Indicates alternate member.

(\*\*) Part I, 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. Rausch and Cataldo, and Reps. Schmidt, McGuire, MacKay, Ladd, Sad, Kidder, Hatch, and Barry.

Sen. Reagan designated Reps. Hatch and Kidder as alternates, respectively, for Sen. Watters and Sen. Lasky, who were absent. Since Sen. Cataldo indicated he would leave by 9:30 a.m., Sen. Reagan designated Rep. Barry to be the alternate for Sen. Cataldo once the Senator was absent.

2. The Committee discussed the minutes of the Committee meeting on April 25, 2014.

Rep. Schmidt moved that the minutes be approved.

Sen. Rausch seconded.

Adopted.

3. The Committee discussed the following Final Proposals and Proposed Expedited Revisions to Agency Forms (Consent Agenda – Final Proposals and Proposed Expedited Revisions to Agency Forms):

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|-------------|--|
| FP 2013-194 | DEPARTMENT OF ENVIRONMENTAL SERVICES<br>Drinking Water Programs<br>Public Water Systems: Purpose and Applicability; Use of Federal Terms; Special Provisions For Political Subdivisions; Definitions |
| FP 2013-195 | DEPARTMENT OF ENVIRONMENTAL SERVICES<br>Drinking Water Programs<br>Public Water Systems: Rule Waivers; Confidential Business Information; Hearing Procedures   |
| FP 2013-196 | DEPARTMENT OF ENVIRONMENTAL SERVICES<br>Drinking Water Programs<br>Public Water System Classification; Well Siting Requirements; Hydrogeologic and Engineering Studies                               |

Action Minutes

May 16, 2014

Page 2

- FP 2013-197 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
General Design Standards for Public Water Systems
- FP 2013-198 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
Public Water Systems: Coatings, Additives and Lead Prohibition
- FP 2013-199 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
Design Standards for Large Public Water Systems
- FP 2013-201 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
Design Standards for Non-Community Public Water Systems
- FP 2013-202 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
Standards Adopted by Reference
- FP 2013-203 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
Public Water Systems: Backflow Prevention
- FP 2013-204 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
Protecting the Purity of Surface Water Sources of Drinking Water
- FP 2013-205 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
Grants for Surface Water Treatment, Regional Water Systems, and  
Groundwater Investigations
- FP 2013-206 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
Public Water Systems: Federal Definitions, Recordkeeping, Exemptions, Best  
Available Technology (BAT)
- FP 2013-207 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Drinking Water Programs  
Public Water Systems: Use of Non-Central Treatment
- FP 2013-220 DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Former Division of Human Services  
Wheelchair Van Services
- EXRF 2014-1 BOARD OF NURSING  
Various Forms Regarding Certification Statement on Penalty for Providing  
False Information

Rep. Ladd moved that the Committee approve the Final Proposals but not the Proposed Expedited Revisions to Agency Forms EXRF 2014-1.

Rep. Schmidt seconded.

Adopted.

4. The Committee discussed Final Proposal 2013-200 from the Department of Environmental Services (Drinking Water Programs, Design Standards for Small Community Public Water Systems).

The Department had submitted a conditional approval request in a letter and amended rule dated May 13, 2014.

Rep. Hatch moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-200 based on the request.

Sen. Cataldo seconded.

Adopted.

5. The Committee discussed the response by the Public Utilities Commission to the Committee's preliminary objection to Final Proposal 2013-151 (Rules for Electric Service).

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

Rep. McGuire seconded.

Adopted.

6. The Committee discussed the Proposed Expedited Revisions to Agency Forms EXRF 2014-1 from the Board of Nursing (Various Forms Regarding Certification Statement on Penalty for Providing False Information). Denise Nies, Executive Director of the Board, testified for the Board.

Rep. McGuire moved that the Committee approve the Proposed Expedited Revisions to Agency Forms EXRF 2014-1.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2013-179 from the Department of Health and Human Services (Former Division of Public Health Services, Expiring Radiological Health Rules). Michael Holt and Augustinus Ong testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated May 12, 2014.

Rep. MacKay moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-179 based on the request.

Rep. Hatch seconded.

Adopted.

8. The Committee discussed Final Proposal 2014-25 from the Fish and Game Department (Fish and Game 2014 Wildlife, Possession and Use of Wildlife, and Special Events Rules). Glenn Normandeau, Executive Director, and Mark Ellingwood testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated May 13, 2014.

Sen. Cataldo left the meeting during the discussion of this item. Rep. Barry was now a voting Committee member.

The following persons also testified:

William F. Carney, who had also submitted written testimony in the meeting.

Steven Weber.

Thomas Hubert, representing the N.H. Fish and Game Commission.

Steven Courchesne, who had also submitted written testimony prior to the meeting.

Eric Rottenecker.

Kenneth Dionne.

Paul Simard.

Nick St. Germain, who had also submitted written testimony prior to the meeting.

Kenneth Kreis, Sr., representing Pro-Gun New Hampshire, who had also submitted written testimony prior to the meeting.

Fred M. Shepard, representing the N.H. Trappers Association.

The following persons registered their support of the rules but did not speak:

Dan Bergeron, representing the N.H. Fish and Game Department.

Theodore Tichy, representing the N.H. Fish and Game Commission.

Thomas Hopkinson submitted written testimony in the meeting but did not speak.

Written background material provided originally by Mark Ellingwood to a member of the public was also submitted in the meeting.

The following additional persons had also submitted written testimony prior to the meeting:

Keith Roberge.

Prof. Peter Pekins of the University of New Hampshire.

Michael Vien.

Thomas Brody, Paul Grenier, and Rick Samson, representing the Coos County Commissioners.

Robert Snowman, representing F.B. Spaulding Co.

James Timmins.

Larry Barker.

Jeff Lemoine.

Chris Norton, representing Northern New Hampshire Guide Service.

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Rep. Schmidt moved that the Committee accept the Department's conditional approval request and conditionally approve Final Proposal 2014-25 based on the request.

Rep. Kidder seconded.

Adopted.

9. The Committee discussed the pending response by the Pharmacy Board to the Committee's preliminary objection to Final Proposal 2013-184 (Mail Order Pharmacy).

Since the response had not yet been filed, it was the consensus of the Committee to postpone action on this item to the regular Committee meeting on June 20, 2014.

10. Since there was no other business, it was the consensus of the Committee to cancel the continued meeting scheduled for June 6, 2014.

11. The Committee adjourned by consensus at 9:45 a.m.