



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

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**Action Minutes**

**MAY 17, 2013**

**Members Present:** Senators Reagan, Rausch, Cataldo, and Watters, and Representatives Schmidt, McGuire, MacKay, Ladd, Sad, Kidder\*, Gottling\*, and Barry\*. (\*) 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 9:01 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sens. Cataldo and Watters, and Reps. McGuire, Sad, Gottling, and Kidder.

Rep. Barry and Sen. Rausch arrived shortly after the meeting convened.

2. The Committee discussed the minutes of the Committee meeting on May 3, 2013.

Rep. McGuire moved that the minutes be approved.

Sen. Watters seconded.

Adopted.

Rep. McKay and Rep. Schmidt arrived at this time.

Sen. Reagan designated Rep. Kidder as an alternate for Rep. Ladd, and Rep. Gottling as an alternate for Sen. Lasky, who were absent.

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

FP 2012-209 PUBLIC UTILITIES COMMISSION  
Rules for Pipeline Utilities

FP 2013-4 BOARD OF LICENSING FOR INTERPRETERS OF THE DEAF AND  
HARD OF HEARING  
Procedural Rules for the Deaf and Hard of Hearing Interpreters

FP 2013-18 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Air Related Programs  
Prevention, Abatement, and Control of Mobile Source Air Pollution

- FP 2013-19 BOARD OF ACCOUNTANCY  
Board of Accountancy Rules Regarding Educational Qualifications
- FP 2013-23 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Water Quality and Quantity Programs  
Management of Mercury-Containing Amalgam
- FP 2013-26 DEPARTMENT OF ENVIRONMENTAL SERVICES  
Water Quality and Quantity Programs  
State Surface Water Discharge Permits
- INT 2013-5 ELECTRICIANS' BOARD  
Electricians' Board Organizational Rules

Sen. Watters moved that the Committee approve the Final Proposals and Proposed Interim Rule.

Rep. McGuire seconded.

Adopted.

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

Rep. Schmidt moved that the following items be postponed to the continued meeting on June 7, 2013:

**7. DEPARTMENT OF HEALTH AND HUMAN SERVICES**

- (a) FP 2013-2 Former Division of Human Services  
Aid to the Permanently and Totally Disabled (APTD) Cash Assistance Grant Criteria When the APTD Applicant or Recipient is Ineligible for Federal Benefits  
*(JLCAR Deadline May 20, 2013.)*  
*(Formerly Item #14(b) on 4-19-13 and 5-3-13 agendas.)*
- (b) FP 2013-15 Former Division of Human Services  
Household Composition of Shared Custody of Children in the Food Stamp Program  
*(JLCAR Deadline May 20, 2013.)*  
*(Formerly Item #14(c) on 4-19-13 and 5-3-13 agendas.)*
- (e) FP 2013-3 Former Division of Human Services  
Treatment of Specific Types of Income for Financial Assistance to Needy Families (FANF) and the Adult Categories of Financial and Medical Assistance  
*(JLCAR Deadline June 14, 2013.)*

Rep. McGuire seconded.

Adopted.

5. The Committee discussed requesting the Director of the Office of Legislative Services to waive the Committee's May 20, 2013 deadline pursuant to RSA 541-A:13, II(e) to act on Final Proposal 2013-2 from the Department of Health and Human Services (Former Division of Human Services, Aid to the Permanently and Totally Disabled (APTD) Cash Assistance Grant Criteria When the APTD Applicant or Recipient is Ineligible for Federal Benefits) and Final Proposal 2013-15 from the Department of Health and Human Services, (Former Division of Human Services, Household Composition of Shared Custody of Children in the Food Stamp Program).

Sen. Watters moved that the Committee request a waiver of the deadlines and request a new deadline of June 21, 2013 for each proposal.

Sen. Rausch seconded.

Adopted.

6. The Committee discussed whether to postpone action on other items.

Rep. Ladd arrived during the discussion of this item. Therefore, Rep. Kidder was no longer a voting member.

Rep. Schmidt moved that the Committee postpone action on the following additional items to the continued meeting on June 7, 2013:

**11. DEPARTMENT OF ADMINISTRATIVE SERVICES**

FP 2013-1 Plant and Property Management Rules  
(JLCAR Deadline June 14, 2013.)

**12. DEPARTMENT OF SAFETY**

OR 2012-146 Nonresident Pistol/Revolver License Rules  
(JLCAR Deadline July 23, 2013.)  
(Response not yet received.)

**13. PASSENGER TRAMWAY SAFETY BOARD**

OR 2012-148 Various Passenger Tramway Safety Rules  
(JLCAR Deadline August 6, 2013.)  
(Response not yet received.)

Sen. Rausch seconded.

Adopted.

7. The Committee discussed Final Proposal 2012-194 from the Department of Health and Human Services (Former Division of Human Services, Medicaid Service Limits, Vision Services, Hearing Services, and Radiological Services). Michael Holt and Valerie King testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2012-194.

Rep. MacKay seconded.

Adopted.

8. The Committee discussed Final Proposal 2012-210 from the Department of Health and Human Services (Former Division of Public Health Services, Healthcare Associated Infections Reporting – Fees). Michael Holt and Elizabeth Daly testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2012-210.

Sen. Watters seconded.

Adopted.

9. The Committee discussed Proposed Interim Rule INT 2013-6 from the Electricians' Board (Electricians' Board Rules of Practice and Procedure). Louise Lavertu from the Joint Board of Licensure and Certification and Dean Sotirakopoulos from the Department of Safety testified for the Board.

Sen. Rausch moved that the Committee approve proposed Interim Rule INT 2013-6.

Rep. McGuire seconded.

Adopted.

10. The Committee discussed Proposed Interim Rule INT 2013-7 from the Electricians' Board (Electricians' Board Rules Regarding Application Procedures, Approval Process, Qualifications, Examinations, Fees, Continued Status, Lapse of License, Continuing Education, General Administration, and Disciplinary Action). Louise Lavertu from the Joint Board of Licensure and Certification and Dean Sotirakopoulos of the Department of Safety testified for the Board.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2013-7.

Rep. McGuire seconded.

Adopted.

11. The Committee discussed Final Proposal 2012-192 from the Board of Education (Building Aid and Leased Spaces). Dr. Judith Fillion and Jeffrey Blaney from the Department of Education testified for the Board.

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2012-192 on the grounds as outlined in the annotations to the Final Proposal by Committee staff.

Rep. MacKay seconded.

After further discussion, Rep. McGuire withdrew her motion and Rep. MacKay withdrew his second.

Rep. Schmidt then moved that the Committee conditionally approve Final Proposal 2012-192 on the condition that the Board make the following amendments:

- (1) Delete Ed 321.23(1)(3) on page 21; and
- (2) Delete the words "*as provided in section 15 of the State of New Hampshire Department of Administrative Services Bureau of Planning and Management Standard Lease Agreement, Form P.44, February 1999 Edition*" from Ed 322.07(e) on page 34.

Rep. MacKay seconded.

Adopted.

12. The Committee discussed Final Proposal 2013-21 from the Fish and Game Department (Hunting and Fishing Guide Rules). Sandra Falicon testified for the Department.

Rep. McGuire moved that the Committee make a preliminary objection to Final Proposal 2013-21 on the grounds as outlined in the annotations to the Final Proposal by Committee staff, with a recommendation that the Department seek legislative clarification of RSA 215:3 relative to the authority for the exclusion in Fis 1302.02(a).

After further discussion, Rep. McGuire withdrew her motion, then moved that the Committee conditionally approve Final Proposal 2013-21 on the condition that Fis 1302.02(a) be amended by deleting the phrase "excluding RSA 215-A and RSA 215-C unless during the act of guiding."

Rep. Schmidt seconded.

At this time, the Committee took a break before taking a vote.

13. After a break, with Sens. Reagan, Rausch, and Cataldo, and Reps. Schmidt, McGuire, MacKay, Ladd, Sad, Kidder, and Gottling present, the Committee resumed discussion of Final Proposal 2013-21 from the Fish and Game Department (Hunting and Fishing Guide Rules). Sandra Falicon testified for the Department.

Sen. Watters returned to the meeting as the discussion resumed. Rep. Kidder was still not a voting member.

On a show of hands, the motion to conditionally approve Final Proposal 2012-21 was adopted. The vote was 6 "yes" and 4 "no".

14. The Committee discussed Final Proposal 2013-22 from the Fish and Game Department (Fish and Game Wildlife Rules – Rules Relative to Moose, Trapping, Predamage Deer Permits, Baiting Permits on the Connecticut Lakes Headwaters Forest, Sporting Clubs Youth Pheasant Events). Sandra Falicon testified for the Department.

Sen. Watters moved that the Committee approve Final Proposal 2013-22.

Rep. Schmidt seconded.

Adopted.

15. The Committee recessed by consensus at 10:35 a.m. and thereby postponed consideration of the following item to the continued Committee meeting on June 7, 2013:

**OTHER BUSINESS**

***14. Other***