



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

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

Action Minutes

MAY 18, 2018

Members Present: Senators Reagan, Feltes, Avard, and Kahn, and Representatives McGuire, Schmidt, Hatch, Lang, Ebel*, and Matthews*. (*) Indicates alternate member.

(**) Indicates where Part 1, Article 28-a of the N.H. Constitution was an issue in the Committee's discussions or decisions in this meeting. (See Final Proposal 2017-179 listed in the Consent Agenda in Item #3 and in Item #10, and Final Proposal 2017-178 listed in the Consent Agenda in Item #3. However, those Final Proposals were approved or conditionally approved, respectively).

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. Feltes and Avard and Reps. McGuire, Schmidt, Hatch, Lang, Ebel, and Matthews.

Sen. Reagan designated Rep. Matthews as an alternate for Rep. Wolf, who was absent, and designated Rep. Ebel as an alternate for Sen. Kahn until he arrived, in which case Rep. Ebel would be an alternate for Sen. French, who was not expected to attend.

2. The Committee discussed the minutes of the Committee meeting on April 20, 2018.

Rep. Schmidt moved that the minutes be approved.

Rep. Hatch seconded.

Adopted.

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

CONSENT AGENDA

2. *Committee Approval of Final Proposals and Proposed Expedited Amendment to Incorporation by Reference:*

FP 2017-164	DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Human Services Hearing Aid Services
FP 2017-168	DEPARTMENT ENVIRONMENTAL SERVICES Water Quality and Quantity Programs Voluntary Certified Salt Applicator Amendments, including Application Fee
**FP 2017-179	DEPARTMENT OF ENVIRONMENTAL SERVICES Drinking Water Programs Public Water Systems: Filtration, Disinfection, and Waste Recycling
FP 2018-4	FISH AND GAME DEPARTMENT Department Controlled Boat Access Areas

- | | |
|-------------|---|
| FP 2018-27 | LOTTERY COMMISSION
Gaming and Charitable Gaming Division
Lucky 7 – Open Deals |
| FP 2018-28 | LOTTERY COMMISSION
Multi-State Lottery Association (MUSL) |
| FP 2018-38 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Interim Disabled Parent (IDP) Category of Financial Assistance |
| FP 2018-42 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Human Services
Medicaid Managed Care Organization (MCO) Appeal and State Fair Hearings |
| EXIR 2018-2 | BOARD OF DENTAL EXAMINERS
Dentist Qualifications; Permits for Moderate Sedation Only; Minimal Sedation;
Ethical Duties |

3. *Committee Conditional Approvals:*

- | | |
|---------------|---|
| **FP 2017-178 | DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Public Water Systems: Disinfection Residuals, Byproducts, and Byproduct Precursors |
| FP 2018-45 | INSURANCE DEPARTMENT
Medical Utilization Review Entities |

4. *Committee Acceptance of Agency Responses to Objections:*

- | | |
|-------------------|---|
| OR EXRF
2018-1 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commissioner
Form 1715 Foster Care/Adoption Application |
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Sen. Kahn arrived during the discussion of the Consent Agenda. Rep. Ebel was now an alternate for Sen. French, who was absent.

It was the consensus of the Committee to add to the Consent Agenda, for conditional approval, Final Proposal 2018-23 from the Board of Education (Special Education Aid).

Rep. Hatch moved that the Committee approve the Consent Agenda with the exception of Final Proposal 2017-179 and Final Proposal 2018-4, that is, (1) approve the Final Proposals and Proposed Expedited Amendment to Incorporation by Reference 2018-2 in Item #2, with the exception of Final Proposal 2017-179 and Final Proposal 2018-4, (2) conditionally approve the Final Proposals in Item #3 and Final Proposal 2018-23, based on the agencies' conditional approval requests, and (3) accept the Objection Response and approve the form for the Objection Response in Item #4.

Rep. Lang seconded.

Adopted.

4. The Committee discussed Final Proposal 2017-163 from the Public Utilities Commission (Utility Pole Attachment Rules).

Rep. McGuire moved that the Committee postpone action on the Final Proposal to the next Committee meeting, and request the Director of the Office of Legislative Services to waive the Committee's June 14, 2018 deadline so the Final Proposal may be on the agenda for the June 15, 2018 meeting.

Sen. Feltes seconded.

Adopted.

5. The Committee discussed Final Proposal 2018-12 from the N.H. Retirement System (Annual Report of Gainful Occupation). Mark Cavanaugh testified for the Retirement System.

The Retirement System had submitted a request for conditional approval in a letter and amended rules dated May 11, 2018.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2018-12 based on the request.

Rep. Schmidt seconded.

Adopted.

6. The Committee discussed Final Proposal 2018-22 from the Board of Education (Definitions and Personnel Standards). Diana Fenton and Bridget Brown from the Department of Education testified for the Board.

Rep. McGuire moved that the Committee approve Final Proposal 2018-22.

Rep. Schmidt seconded.

Adopted.

7. The Committee discussed Final Proposal 2018-46 from the Department of Health and Human Services, (Former Division of Human Services, Pharmaceutical Services). David Newton, Margaret Clifford, and Lise C. Ferrand testified for the Department.

Sen. Feltes moved that the Committee approve Final Proposal 2018-46.

Rep. McGuire seconded.

Adopted.

8. The Committee discussed Proposed Interim Rule INT 2018-9 from the Department of Health and Human Services (Former Division of Public Health Services, Indoor Smoking Rules). Allyson Zinno and Sai Cherala testified for the Department.

Rep. Schmidt moved that the Committee approve Proposed Interim Rule INT 2018-9.

Rep. Hatch seconded.

Adopted.

9. The Committee discussed Proposed Interim Rule INT 2018-10 from the Department of Health and Human Services (Commissioner, Certification Payment Standards for Interpreter Service Providers). Allyson Zinno and James Panzer testified for the Department.

Rep. McGuire moved that the Committee approve Proposed Interim Rule INT 2018-10.

Sen. Feltes seconded.

Adopted.

- **10. The Committee discussed Final Proposal 2017-179 from the Department of Environmental Services (Drinking Water Programs, Public Water Systems: Filtration, Disinfection, and Waste Recycling). Peter Demas testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2017-179.

Rep. Schmidt seconded.

Adopted.

Sen. Reagan noted for the record that Rep. Matthews voted "no".

11. The Committee discussed Final Proposal 2018-4 from the Fish and Game Department (Department Controlled Boat Access Areas). Paul Sanderson testified for the Department.

Sen. Feltes moved that the Committee conditionally approve Final Proposal 2018-4 on the condition that Fis 1603.01(t) be amended by inserting the words "for parking" immediately after the word "trailers".

Rep. Lang seconded.

Adopted.

12. The Committee discussed the continued meeting scheduled for June 1, 2018.

Rep. McGuire moved that the Committee cancel the meeting and adjourn.

Sen. Feltes seconded.

The meeting adjourned at 9:40 a.m.