



STATE OF NEW HAMPSHIRE
JOINT LEGISLATIVE COMMITTEE ON ADMINISTRATIVE RULES

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

Action Minutes

JULY 20, 2017

Members Present: Senators Reagan, Feltes, French, and Avard; and Representatives McGuire, Schmidt, Ladd, Hatch, Gottling*, Sytek*, and Ohm.* (*) 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. Feltes, French, and Avard, and Reps. McGuire, Schmidt, Ladd, Hatch, Gottling, Sytek, and Ohm.

Sen. Reagan designated Rep. Gottling and Rep. Ohm as alternates, respectively, for Sen. Kahn and Rep. Graham, who were absent. Rep. Sytek was not a voting member at this time.

2. The Committee discussed the minutes of the Committee meeting on June 16, 2017.

Rep. McGuire moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals, Proposed Interim Rules, and Proposed Expedited Repeals:

FP 2017-18	DEPARTMENT OF ENVIRONMENTAL SERVICES Hazardous Waste Programs Hazardous Waste – Inspections/Enforcement
FP 2017-21	DEPARTMENT OF ENVIRONMENTAL SERVICES Hazardous Waste Programs Hazardous Waste – Land Disposal Restrictions
FP 2017-54	DEPARTMENT OF REVENUE ADMINISTRATION Business Profits Tax, Definition of Manufacturing, Gross Business Profits of a Single Member Limited Liability Company, Short Period Tax Returns
FP 2017-63	REAL ESTATE COMMISSION Information; Complaint Procedure; Conduct of Adjudicative Hearing; Adjudicative Hearing Decisions; Explanation of Adopted Rules
FP 2017-70	BOARD OF REGISTRATION OF MEDICAL TECHNICIANS Qualifications

- INT 2017-14 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Birth Conditions Program (BCP)
- EXP 2017-2 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commissioner
Therapeutic Cannabis Program - Registry Rules
- EXP 2017-3 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Office of Alcohol and Drug Abuse Prevention
Access to Recovery Program
- EXP 2017-4 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division for Children, Youth and Families
Allocation and Distribution of Incentive Fund Grants

3. *Committee Conditional Approvals:*

- FP 2017-10 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste – Purpose, Applicability, and Definitions
- FP 2017-11 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste – Procedural Rules
- FP 2017-12 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste - Permits
- FP 2017-13 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Identification and Listing of Hazardous Wastes
- FP 2017-14 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste – Requirements for Generators
- FP 2017-15 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste – Requirements for Transporters
- FP 2017-16 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste – Requirements for Facility Owners/Operators
- FP 2017-17 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste – Requirements for Recycling

- FP 2017-19 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste Cleanup Fund
- FP 2017-20 DEPARTMENT OF ENVIRONMENTAL SERVICES
Hazardous Waste Programs
Hazardous Waste - Universal Waste
- FP 2017-22 DEPARTMENT OF SAFETY
Commissioner
Motor Carrier of Passengers Rules
- FP 2017-23 DEPARTMENT OF SAFETY
Commissioner
Carriage of Household Goods by Motor Vehicles Rules
- FP 2017-30 PUBLIC EMPLOYEE LABOR RELATIONS BOARD
Board Location and Contact Information; Practice and Procedure; Public Employee Labor Relations, Certifications, Unfair Labor Practices, and Impasse Resolution
(*JLCAR Deadline July 21, 2017.*)
- FP 2017-45 DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Mental Health and Developmental Services
Certification of Residential Services or Combined Residential and Community Participation Services Provided in the Family Home

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals, Proposed Interim Rule, and Proposed Expedited Repeals in Item #2 and conditionally approve the Final Proposals in Item #3 based on the agencies' conditional approval requests or, in the case of Final Proposal 2017-12, on the amended conditional approval request, and, in the case of Final Proposal 2017-14, on the revised amended conditional approval request.

Rep. Hatch seconded.

Adopted.

4. The Committee discussed Proposed Expedited Repeal EXP 2017-5 from the Banking Department (Repeal of Rules Adopted under RSA 394-A Granting State-Chartered Financial Institutions Powers of Corresponding Federally-Chartered Financial Institutions). Susan Chamberlin testified for the Department.

Rep. Hatch moved that the Committee approve Proposed Expedited Repeal EXP 2017-5.

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Final Proposal 2016-246 from the Department of Environmental Services (Water Quality and Quantity Programs, Alteration of Terrain). Peter Demas testified for the Department.

The Department had submitted a conditional approval request in a cover letter and amended rules dated July 14, 2017.

Rep. Schmidt moved that the Committee conditionally approve Final Proposal 2016-246 based on the request.

Sen. Avard seconded.

Adopted.

6. The Committee discussed Final Proposal 2017-79 from the Department of Health and Human Services (Former Division of Mental Health and Developmental Services, Secure Psychiatric Unit Transfers). Catherine Bernhard testified for the Department.

The Department had submitted a conditional approval request in a cover letter dated July 17, 2017 and amended rules dated July 10, 2017.

The following persons also testified:

Andrew Milne, representing the Disabilities Rights Center.

Wanda Duryea, representing Advocates for Ethical Mental Health Treatment.

Beatrice Coulter.

Chris Durnin.

Anne Edwards, representing the N.H. Department of Justice.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2017-79 as requested.

Sen. Avard seconded.

Adopted.

7. The Committee discussed 2017 amendments to RSA 541-A and proposed amendments to rulemaking forms in the Drafting and Procedure Manual, specifically Appendix II-C "Rulemaking Notice Form" and Appendix II-G "Cover Sheet for Final Proposal," which are subject to Committee approval pursuant to RSA 541-A:8.

Rep. McGuire moved that the Committee approve the amendments to the forms.

Rep. Schmidt seconded.

Adopted.

8. The Committee discussed the continued meeting scheduled for August 3, 2017.

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

9. The Committee adjourned by consensus at 9:55 a.m.