



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

Action Minutes

SEPTEMBER 5, 2013

Members Present: Senator Reagan and Representatives Schmidt, McGuire, MacKay, Ladd, Sad, Kidder*, Gottling*, Barry*, and Hatch*. (*) 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 the meeting.

1. The meeting was convened at 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Reps. Schmidt, MacKay, Kidder, Gottling, Barry, and Hatch.

Sen. Reagan designated Rep. Barry, Rep. Hatch, Rep. Kidder, and Rep. Gottling as alternatives, respectively, for Sen. Rausch, Sen. Watters, Sen. Cataldo, and Sen. Lasky, who were absent.

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

No action to postpone was taken.

3. The Committee discussed the minutes of the Committee meeting on August 15, 2013.

Rep. Schmidt moved that the minutes be approved.

Rep. MacKay seconded.

Adopted.

4. The Committee discussed Final Proposal 2013-48 from the Department of Employment Security (Adjustment of Overpaid Benefit Accounts by Compromise). Marie-Helene Bailinson, Lon Siel, and Richard Lavers testified for the Department.

Rep. Ladd and Rep. McGuire arrived during the discussion of this item.

Sarah Mattson and Daniel Feltes, representing N.H. Legal Assistance, also testified.

The Department had submitted a conditional approval request in a letter and amended rule dated August 30, 2013, as further amended in a submission dated September 4, 2013.

Rep. Schmidt moved that the Committee accept the request as amended and conditionally approve Final Proposal 2013-48 based on the request as amended.

Rep. McGuire seconded.

Adopted.

5. The Committee discussed Final Proposal 2013-49 from the Department of Employment Security (Offset of Federal Tax Return Payments). Marie-Helene Bailinson, Lon Siel, and Richard Lavers testified for the Department.

Sarah Mattson and Daniel Feltes, representing N.H. Legal Assistance, also testified.

The Department had submitted a conditional approval request in a letter and amended rule dated August 30, 2013.

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

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-49 based on the request.

Rep. McGuire seconded.

Adopted.

6. The Committee discussed Final Proposal 2013-50 from the Department of Employment Security (Interest on Overpayments). Marie-Helene Bailinson, Lon Siel, and Richard Lavers testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2013-50.

Rep. Ladd seconded.

Adopted.

7. The Committee discussed the response of the Pharmacy Board to the Committee's preliminary objection to Final Proposal 2013-174 (Limitation on Access). Executive Secretary James Queenan testified for the Board.

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

Rep. Kidder seconded.

Adopted.

8. The Committee discussed the response of the Pharmacy Board to the Committee's preliminary objection to Final Proposal 2012-175 (Presence of Pharmacists). Executive Secretary James Queenan testified for the Board.

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

Rep. Ladd seconded.

Adopted.

9. The Committee discussed the response of the Pharmacy Board to the Committee's preliminary objection to Final Proposal 2012-176 (Transfer of Prescriptions). Executive Secretary James Queenan testified for the Board.

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

Rep. Barry seconded.

Adopted.

10. The Committee discussed the response of the Pharmacy Board to the Committee's preliminary objection to Final Proposal 2012-177 (Pharmacist-in-Charge, Corporate Entity Requirements, Duties). Executive Secretary James Queenan testified for the Board.

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

Rep. Gottling seconded.

Adopted.

11. The Committee discussed an emergency rule filed by the Racing and Charitable Gaming Commission (Document #10403, effective August 26, 2013, Prohibiting Electronic Communication by Bingo Game Callers). Michael R. Williams, the Commission's Procedures Administrator, testified for the Commission.

Rep. Schmidt moved that the Committee petition the Commission to repeal the emergency rule.

Rep. Hatch seconded.

Adopted.

12. The Committee adjourned at 10:10 a.m.