



Action Minutes

February 19, 2021

Members Present: Senators Reagan, Gray, Prentiss, Whitley, and Birdsell*, and Representatives McGuire, Bershtein, Hatch, Schmidt, and Schuett*. (*) 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 as a Zoom webinar at 9:00 a.m. by Sen. Reagan as Chair. Senior Committee Attorney Michael Morrell proceeded to read the script prepared by Committee staff regarding authorization for the Committee to meet remotely in accordance with the Governor’s Emergency Order #12 and pursuant to Executive Order 2020-4.
2. A roll call attendance was taken.

Members present remotely at this time, aside from Sen. Reagan, were Sens. Birdsell, Prentiss, Whitley, Gray, and Reagan, and Reps. Hatch, Bershtein, Schmidt, and McGuire.

Sen. Reagan designated Sen. Birdsell as an alternate for Sen. Ward, who was absent.

3. The Committee discussed the minutes of the Committee meeting on January 15, 2021.

Rep. McGuire moved that the minutes be approved, but with an amendment to Item #6 to replace “Rep. Bershtein” with “Rep. Roy.”

Rep. Schmidt seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Birdsell	---	---
Sen. Prentiss	X	
Sen. Whitley	X	
Sen. Gray	X	
Sen. Reagan	X	
Rep. Schmidt	X	
Rep. Hatch	X	
Rep. Bershtein	X	
Rep. McGuire	X	

Sen. Birdsell abstained from voting because she was not present at the meeting on January 15.

The vote was 8 “yes” and zero “no”.

The motion was adopted.

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

CONSENT AGENDA

2. Committee Approval of Final Proposals:

- | | |
|----------------|---|
| (a) FP 2020-94 | DEPARTMENT OF SAFETY
Commissioner
Reporting Requirements on Form DSSP 311 of Offender
Registration Information |
| (b) FP 2020-97 | DEPARTMENT OF SAFETY
Commissioner
CDL Driver Education Rules |
| (c) FP 2020-98 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Commissioner
Health Professions Survey |

3. Committee Conditional Approvals:

- | | |
|----------------|--|
| (a) FP 2020-79 | INSURANCE DEPARTMENT
Claim Settlement |
| (b) FP 2020-96 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
Former Division of Public Health Services
Milk Producers, Milk Plants, Producer-Distributors, and Distributors |

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve the Final Proposals in Item #2, and conditionally approve the Final Proposals in Item #3 based on the agencies' conditional approval requests.

Sen. Whitley seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Birdsell	X	
Sen. Gray	X	
Sen. Prentiss	X	
Sen. Whitley	X	
Sen. Reagan	X	
Rep. Bershtein	X	
Rep. Hatch	--	--
Rep. Schmidt	X	
Rep. McGuire	X	

Rep. Hatch was not present for this particular vote when the roll was called.

The vote was 8 "yes" and zero "no".

The motion was adopted.

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

Action Minutes
February 19, 2021
Page 3

No action to postpone was taken at this time.

6. The Committee discussed the response by the Department of Safety to the Committee’s preliminary objection to Final Proposal 2019-202 (Commissioner, Road Toll Administration Rules).

Rep. McGuire moved that the Committee postpone action on Objection Response 2019-202 to the regular Committee meeting on March 19, 2021, and request from the Director of Legislative Services a waiver of the Committee’s deadline of February 23, 2021 under RSA 541-A:13, VII(b) with a new deadline of March 19, 2021.

Sen. Prentiss seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Birdsell	X	
Sen. Prentiss	X	
Sen. Whitley	X	
Sen. Gray	X	
Sen. Reagan	X	
Rep. Bershtein	X	
Rep. Hatch	X	
Rep. Schmidt	X	
Rep. McGuire	X	

The vote was 9 “yes” and zero “no”.

The motion was adopted.

7. The Committee discussed Final Proposal 2020-101 from the Department of Safety (Emergency Medical Care Provider Requirements). Heidi Barba and Justin Romanello testified for the Department.

The Department had submitted a conditional approval request with amended rules dated February 5, 2021.

Rep. Hatch moved that the Committee conditionally approve Final Proposal 2020-101 based on the request.

Sen. Whitley seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Birdsell	X	
Sen. Prentiss	X	
Sen. Whitley	X	
Sen. Gray	X	
Sen. Reagan	X	
Rep. Bershtein	X	
Rep. Hatch	X	
Rep. McGuire	X	
Rep. Schmidt	X	

The vote was 9 “yes” and zero “no”.

The motion was adopted.

Action Minutes
February 19, 2021
Page 4

8. The Committee discussed Final Proposal 2020-102 from the Department of Safety (Emergency Medical Services “(EMS)” Rules: Provider License Application & Provider Requirements). Heidi Barba testified for the Department.

Rep. Hatch moved that the Committee approve Final Proposal 2020-102.

Rep. McGuire seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Birdsell	X	
Sen. Prentiss	X	
Sen. Whitley	X	
Sen. Gray	X	
Sen. Reagan	X	
Rep. Hatch	X	
Rep. Schmidt	X	
Rep. Bershtein	X	
Rep. McGuire	X	

The vote was 9 “yes” and zero “no”.

The motion was adopted.

9. The Committee discussed Proposed Expedited Revisions to Agency Forms EXRF 2021-1 from the Department of Environmental Services (Wetlands Programs, Expedited Revision to “Seasonal Dock Notification for Lakes and Ponds”).

Rep. Hatch moved that the Committee make a preliminary objection to EXRF 2021-1 pursuant to RSA 541-A:19-c, VI(b), which could be addressed by the Department making the following changes to the form:

- Page 2, section 3 “Property Owner” by amending the form so that the insertion of the applicant’s phone number and email address are optional; and
- Page 2, section 4 “Required Certifications” by deleting the first three (3) certifications.

Sen. Whitley seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Birdsell	X	
Sen. Prentiss	X	
Sen. Whitley	X	
Sen. Gray	X	
Sen. Reagan	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Hatch	X	
Rep. Bershtein	X	

The vote was 9 “yes” and zero “no”.

Action Minutes
February 19, 2021
Page 5

The motion was adopted.

10. The Committee discussed Final Proposal 2020-95 from the Department of Revenue Administration (Market Based Sourcing Rules). Assistant Commissioner Carollynn Lear and Frederick Coolbroth testified for the Department.

The Department had submitted a conditional approval request with amended rules dated February 12, 2021.

Donald Pfundstein, representing the Motion Picture Association of America, also testified.

Sen. Birdsell moved that the Committee conditionally approve Final Proposal 2020-95 based on the request.

Sen. Prentiss seconded.

Rep. Schuett arrived during the discussion of this item. As an alternate, Rep. Schuett was designated to sit for Rep. Lang, who was absent.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Birdsell	X	
Sen. Prentiss	X	
Sen. Whitley	X	
Sen. Gray	X	
Sen. Reagan	X	
Rep. Bershtein	X	
Rep. Hatch	X	
Rep. Schmidt	X	
Rep. Schuett	X	
Rep. McGuire	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

11. The Committee discussed Final Proposal 2020-86 from the Lottery Commission (Commission). Valerie King testified for the Commission.

The Department had submitted a conditional approval request in amended rules dated February 11, 2021 and an amended conditional approval request in amended rules dated February 17, 2021.

Because the amend conditional approval request had been filed within 7 days before the meeting, Sen. Whitley moved that the Committee, pursuant to RSA 541-A:13, II(b) and Committee rule 301.03(b), accept the amended conditional approval request.

Sen. Prentiss seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Birdsell	X	
Sen. Prentiss	X	
Sen. Whitley	X	
Sen. Gray	X	
Sen. Reagan	X	

Action Minutes
February 19, 2021
Page 6

Rep. Schuett	X
Rep. Bershtein	X
Rep. Hatch	X
Rep. Schmidt	X
Rep. McGuire	X

The vote was 10 “yes” and zero “no”.

The motion was adopted.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2020-86 based on the amended conditional approval request.

Rep. Hatch seconded.

A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Sen. Birdsell	X	
Sen. Prentiss	X	
Sen. Whitley	X	
Sen. Gray	X	
Sen. Reagan	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Hatch	X	
Rep. Bershtein	X	
Rep. Schuett	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

12. The Committee discussed the continued meeting scheduled for March 5, 2021.

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

13. The Committee discussed adjournment.

The Committee adjourned at the call of the Chair.

The Committee adjourned at 10:10 a.m.