



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

Action Minutes

OCTOBER 3, 2013

Members Present: Senators Reagan, Rausch, and Cataldo, and Representatives Schmidt, McGuire, MacKay, Kidder*, Gottling*, 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 Sens. Rausch and Cataldo and Reps. Schmidt, McGuire, Kidder, Gottling, and Hatch.

Sen. Reagan designated Rep. Gottling and Rep. Hatch as alternates, respectively, for Rep. Ladd and Rep. Sad, who were absent, and designated Rep. Kidder as an alternate for Rep. MacKay until Rep. Mackay arrives, and then for Sen. Watters, who was absent.

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

Rep. Schmidt moved that the Committee postpone action on the following items to the next Committee meeting on October 17, 2013:

3. DEPARTMENT OF HEALTH AND HUMAN SERVICES

- (b) OR 2013-28 Former Division of Public Health Services
Ophthalmic Dispensing.
(JLCAR Deadline December 24, 2013.)
(Response not yet received.)

4. LIQUOR COMMISSION

- (b) OR 2013-89 Licensee Licensing and Physical Requirements Required for New or Renewal
Applications for Licenses
(JLCAR Deadline December 24, 2013.)
(Response not yet received.)

Rep. McGuire seconded.

Adopted.

3. The Committee discussed Proposed Interim rule INT 2013-12 from the Department of Health and Human Services (Former Office of Alcohol and Drug Abuse Prevention, Impaired Driver Programs – Out-of-State Residents). Michael Holt and Joseph Harding testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated October 2, 2013.

Rep. MacKay arrived during the discussion of this item. Rep. Kidder was now the alternate for Sen. Watters.

Sen. Rausch moved that the Committee accept the conditional approval request and conditionally approve Proposed Interim Rule INT 2013-12 based on the request.

Rep. Schmidt seconded.

Adopted.

4. The Committee discussed Final Proposal 2013-106 from the Liquor Commission (Application, Listing and Delisting Procedures). Richard Gerrish testified for the Commission.

The Commission had submitted a conditional approval request in an amended rule dated October 2, 2013.

Rep. Schmidt moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-106 based on the request.

Rep. MacKay seconded.

Adopted.

5. The Committee discussed the status of the rules of the former Postsecondary Education Commission and the rulemaking authority of the Higher Education Commission. Dr. Richard Gustafson and Mary Mayo of the Department of Education testified for the Commission.

Rep. McGuire moved that the Committee recommend to the Acting Director of the Office of Legislative Services that former rules Pos 600, Pos 700, Pos 800, Pos 900, and Pos 1600 be deemed repealed by the legislature pursuant to 2011, 224:125, IX and X.

Rep. Schmidt seconded.

Adopted.

Rep. McGuire moved that the Committee recommend to the Acting Director of the Office of Legislative Services that the expiration dates for rules Pos 1000, Pos 1100, and Pos 1200 be deemed suspended (stayed) pursuant to 2011, 224:149, III.

Rep. MacKay seconded.

Adopted.

Rep. McGuire left the meeting at this time.

Rep. Schmidt moved that the Committee recommend to the Acting Director of the Office of Legislative Services that rules Pos 1200 be deemed transferred to the Higher Education Commission from the Department of Education pursuant to 2013, 164:2.

Rep. MacKay seconded.

Adopted.

Rep. McGuire returned to the meeting at this time.

Rep. McGuire moved that the Committee recommend to the Acting Director of the Office of Legislative Services that rules Pos 1400 and Pos 1700 be deemed repealed by the legislature pursuant to 2013, 164:4.

Rep. Schmidt seconded.

Adopted.

6. Rep. McGuire moved that the Committee adjourn.

Rep. Hatch seconded.

Adopted.

The Committee adjourned at 10:05 a.m.