



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

Action Minutes

JUNE 7, 2013

Members Present: Senators Reagan and Cataldo, and Representatives Schmidt, McGuire, 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 this meeting.

1. The meeting was convened at 9:05 a.m. by Sen. Reagan as Chair.

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

Sen. Reagan designated Rep. Gottling, Rep. Barry, and Rep. Kidder as alternates, respectively, for Rep. MacKay, Rep. Sad, and Rep. Ladd, who were absent.

2. The Committee discussed the minutes of the Committee meeting on May 17, 2013.

Sen. Cataldo moved that the minutes be approved.

Rep. Schmidt seconded.

Adopted.

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

The Committee by consensus postponed action on the following item to the regular Committee meeting on June 21, 2013:

7. DEPARTMENT OF HEALTH AND HUMAN SERVICES

- (a) FP 2013-2 Former Division of Human Services
Aid to the Permanently and Totally Disabled (APTD) Cash Assistance Grant Criteria
When the APTD Applicant or Recipient is Ineligible for Federal Benefits
(JLCAR Deadline June 21, 2013.)
(Formerly Item #14(b) on 4-19-13 and 5-3-13 agendas.)

4. The Committee discussed Final Proposal 2013-15 from the Department of Health and Human Services (Former Division of Human Services, Household Composition of Shared Custody of Children in the Food Stamp Program). Jennifer Jones testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rule dated June 4, 2013.

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Rep. McGuire moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-15 based on the request.

Rep. Kidder seconded.

Adopted.

5. The Committee discussed Final Proposal 2013-3 from the Department of Health and Human Services (Former Division of Human Services, Treatment of Specific Types of Income for Financial Assistance to Needy Families (FANF) and the Adult Categories of Financial and Medical Assistance). Jennifer Jones testified for the Department.

The following persons also testified:

Frederick Donitelli of Londonderry.

Jeffrey Butler, representing Parents for Justice.

Sarah Mattson, representing N.H. Legal Assistance.

Sarah Dustin, representing Parents for Justice.

Rep. Hatch arrived during the discussion of this item. Sen. Reagan therefore designated Rep. Hatch as an alternate for Rep. Sad, and Rep. Barry as an alternate for Sen. Rausch, who was absent.

Rep. McGuire moved that the Committee approve Final Proposal 2013-3 with the recommendation that the policy committees evaluate the apparent conflict between SB 198 of the 2011 legislative session and federal and state laws.

Rep. Kidder seconded.

Adopted.

Sen. Reagan noted for the record that the vote was 5 "yes" and 3 "no" and that Rep. Schmidt voted "no".

6. After a break, with Sens. Reagan and Cataldo, and Reps. Schmidt, McGuire, Kidder, Gottling, Barry, and Hatch present, the Committee discussed Final Proposal 2013-1 from the Department of Administrative Services (Plant and Property Management Rules). Thomas Kehr and Deputy Commissioner Michael Connor testified for the Department. Robert Stowell, Mary Belec, Rudy Ogden, and Rosemary Wiant also represented the Department but did not speak.

The Department requested a conditional approval to change the references to sections in Title 7 of the Code of Federal Regulations (CFR) in Adm 612.09(c), Adm 612.10(c)(2) and (c) (3), and Adm 612.10(i), respectively, to "250.67(a)", "250.67(c)", "250.67(c)", and "250.67(b)(5)"

Rep. McGuire moved that the Committee accept the conditional approval request and conditionally approve Final Proposal 2013-1 based on the request.

Rep. Barry seconded.

Adopted.

7. The Committee discussed the response of the Department of Safety to the Committee's preliminary objection to Final Proposal 2012-146 (Nonresident Pistol/Revolver License Rules). Marta Modigliani testified for the Department.

Public testimony received in an email dated June 7, 2013 had been submitted prior to the meeting by Penny Dean, who was present and registered her opposition to the rules but chose not to speak.

Rep. McGuire moved that the Committee ask the Department to request a revised objection to Final Proposal 2012-146 in order to make further amendments relative to the age limit for nonresidents.

Rep. Schmidt seconded.

After further discussion, Rep. McGuire withdrew her motion and Rep. Schmidt his second, since a formal vote was not necessary.

It was the consensus of the Committee that the Department should request a revised objection to make further amendments relative to the age limit for nonresidents.

No further action was taken, effectively postponing further action on the rules to the next Committee meeting.

8. Rep. McGuire moved that the Committee adjourn.

Rep. Schmidt seconded.

Adopted.

The Committee adjourned at 11:14 a.m., effectively postponing action on the following items to the regular Committee meeting on June 26, 2013:

13. PASSENGER TRAMWAY SAFETY BOARD

OR 2012-148 Various Passenger Tramway Safety Rules
(JLCAR Deadline August 6, 2013.)
(Response not yet received.)

OTHER BUSINESS

14. 11:00 a.m. Other