



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

Action Minutes

AUGUST 17, 2017

Members Present: Senators Reagan, Avard, and French, and Representatives McGuire, Schmidt, Ladd, Hatch, Gottling*, Ebel*, Matthews*, 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 9:00 a.m. by Sen. Reagan as Chair.

Members present at this time, aside from Sen. Reagan, were Sen. French and Reps. McGuire, Schmidt, Ladd, Gottling, Ebel, Matthews, and Ohm.

Sen. Reagan designated Rep. Matthews, Rep. Ebel, Rep. Gottling, and Rep. Ohm as alternates, respectively, for Rep. Graham, Sen. Kahn, Sen. Feltes, and Rep. Hatch, who were absent.

2. The Committee discussed the minutes of the Committee meeting on July 20, 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 and Proposed Expedited Repeals:

- | | |
|------------|--|
| FP 2017-34 | DEPARTMENT OF ENVIRONMENTAL SERVICES
Drinking Water Programs
Certification of Water Works Operators |
| FP 2017-68 | BOARD OF REGISTRATION IN OPTOMETRY
Waiver of Substantive Rules; Explanation After Adoption |
| FP 2017-76 | DEPARTMENT OF REVENUE ADMINISTRATION
Meals and Rentals Tax, Affidavits Provided to Operators by Government
Instrumentalities, Documentation Supporting Original Tax Remittance |
| FP 2017-77 | DEPARTMENT OF ENVIRONMENTAL SERVICES
Oil and Remediation Programs
Test Methods for Primary Containment System Testing of Diesel Fuel UST Systems |
| FP 2017-81 | DEPARTMENT OF REVENUE ADMINISTRATION
Property Assessment, Replacement Cost New (RCN) of Telecommunications Poles and |

- FP 2017-84 Conduits and Inventory Form
FISH AND GAME DEPARTMENT
Groundfish Restriction, Bluefin Tuna, and Protection of Aquaculture Gear and Product
- EXP 2017-6 DEPARTMENT OF EMPLOYMENT SECURITY
Most Recent Employer Definition
- EXP 2017-7 DEPARTMENT OF SAFETY
Commissioner
Repeal of Board of Electricians' Practice and Procedural Rules
- EXP 2017-8 DEPARTMENT OF SAFETY
Commissioner
Repeal of Bureau of Electrical Safety and Licensing Rules

Rep. McGuire moved that the Committee approve the Final Proposals and Proposed Expedited Repeals in the Consent Agenda and conditionally approve the following Final Proposals based on the agencies' requests for conditional approval:

- FP 2017-80 INSURANCE DEPARTMENT
Life Insurance and Annuities Replacement
- FP 2017-69 BOARD OF REGISTRATION IN OPTOMETRY
Applications for Initial Licensure; License Renewal and Continuing Education; Ethical Standards & Disciplinary Matters; Professional Standards
- FP 2017-43 DEPARTMENT OF SAFETY
Mechanical Licensing Board
Mechanical Licensing Board Professional Standards

Rep. Schmidt seconded.

Adopted.

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

Sen. Avard arrived during the discussion of this item.

Rep. Schmidt moved that the Committee postpone action on the following item to the regular Committee meeting scheduled for September 21, 2017 and that the Committee request a waiver of the Committee's deadline from the Director of the Office of Legislative Services.

12. DEPARTMENT OF HEALTH AND HUMAN SERVICES

- (a) FP 2017-39 Commissioner
New Hampshire Child Care Program Licensing Rules
(JLCAR Deadline September 18, 2017. Existing emergency rule will expire November 13, 2017.)

Rep. Ladd seconded.

Adopted.

5. The Committee discussed Final Proposal 2017-35 from the Department of Environmental Services (Water Quality and Quantity Programs, Youth Camps). Peter Demas and Harrison (Chip) Mackey testified for the Department.

Rep. Hatch and Rep. Sytek arrived during the discussion of this item. Rep. Ohm was no longer a voting member, and Rep. Sytek was also not a voting member.

Rep. Schmidt moved that the Committee approve Final Proposal 2017-35.

Sen. Avard seconded.

Adopted. Sen. Reagan noted for the record that Rep. Matthews voted "no".

6. The Committee discussed Final Proposal 2017-50 from the Board of Education (School Speech-Language Specialist). Diana Fenton of the Department of Education testified for the Board.

Sen. Avard moved that the Committee approve Final Proposal 2017-50.

Sen. French seconded.

Adopted.

7. The Committee discussed Proposed Interim Rule INT 2017-16 from the Board of Education (Robotics Education Fund). Diana Fenton of the Department of Education testified for the Board.

The Board had submitted a conditional approval request in a letter and amended rules dated August 15, 2017.

Rep. Matthews moved that the Committee conditionally approve Proposed Interim Rule INT 2017-16 as requested, but with an amendment to Ed 1410.06(a) so that it reads: "A public or chartered public school shall submit a grant application on the 'NH Robotics Education Development Program Application' form, July 2017 edition, electronically to the department of education, division of career technology and adult learning, bureau of career development."

Sen. Avard seconded.

Adopted.

8. The Committee discussed Final Proposal 2017-78 from the Insurance Department (Minimum Standards for Medicare Supplement Policies). Marty Mobley and Heather Silverstein testified for the Department.

Rep. McGuire moved that the Committee approve Final Proposal 2017-78.

Sen. Avard seconded.

Adopted.

9. The Committee discussed Final Proposal 2017-67 from the Department of Safety (Commissioner, Mooring Permits for Pleasant Lake in Deerfield and Northwood, NH). David Hiltz and Captain Timothy Dunleavy, N.H. State Police, testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2017-67.

Rep. Hatch seconded.

Adopted. Sen. Reagan noted for the record that Rep. McGuire and Sen. Avard voted "no".

10. The Committee discussed Proposed Interim Rule INT 2017-15 of the Department of Safety (Commissioner, Hazardous Materials Transportation Rules). David Hiltz and Captain William Haynes, N.H. State Police, testified for the Department.

Sen. Avard moved that the Committee approve Proposed Interim Rule INT 2017-15 with the understanding that Saf-C 603.05 (b) will be editorially amended at time of adoption by replacing the words "adopted pursuant to" with the words "incorporated by".

Rep. Schmidt seconded.

Adopted.

11. The Committee discussed an emergency rule filed by the Department of Safety (Commissioner, Motor Vehicle Inspection Application Emergency Rule, Doc. #12339, effective July 21, 2017). David Hiltz testified for the Department.

No further action was taken.

12. The Committee discussed Final Proposal 2017-44 from the Office of Ombudsman (Office of the Long-term Care Ombudsman). Catherine Bernhard and Susan Buxton, Long-term Care Ombudsman, of the Department of Health and Human Services testified for the Board.

The Office had submitted a conditional approval request in a letter dated August 16, 2017 and amended rules dated August 11, 2017.

Sen. Avard moved that the Committee conditionally approve Final Proposal 2017-44 based on the request.

Rep. Schmidt seconded.

Adopted.

13. The Committee discussed Final Proposal 2017-40 from the Department of Health and Human Services (Former Division of Public Health Services, Community Residences at the Residential Care and Supported Residential Care Level). Michael Holt testified for the Department.

The Department had submitted a conditional approval request in a letter and amended rules dated August 16, 2017.

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

Sen. Avard moved that the Committee conditionally approve Final Proposal 2017-40 based on the request.

Rep. Schmidt seconded.

Adopted.

14. The Committee discussed Final Proposal 2017-71 from the Department of Health and Human Services (Former Division of Human Services, Food Stamp Program Internet Only Standard Utility Allowance). Catherine Bernard testified for the Department.

Rep. Schmidt moved that the Committee approve Final Proposal 2017-71.

Sen. French seconded.

Rep. McGuire returned to the meeting during the discussion of this item.

The motion was adopted.

15. The Committee discussed Final Proposal 2016-233 from the Public Utilities Commission (Competitive Electric Power Suppliers and Aggregator Rules). Amanda Noonan and David Wiesner testified for the Commission.

The Commission had submitted a conditional approval request in a letter and amended rules dated August 16, 2017.

The following person testified:

Douglas Patch, of Orr and Reno, representing the Retail Energy Supply Association.

Clifton Below, representing the City of Lebanon as City Councilor, had submitted written testimony dated August 16, 2017.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2016-233 as requested, with the understanding that the effective date of the rules would be at least 60 days after filing the adopted rules.

Sen. Avard seconded.

Adopted.

16. The Committee discussed Final Proposal 2017-72 from the Current Use Board (Assessment Ranges for Forest Land Categories, With and Without Stewardship, Unproductive Land and Wetland Categories). Stephan Hamilton, Board Chair, testified for the Board.

The following person testified:

Barbara Reid, representing the N.H. Municipal Association.

Rep. McGuire moved that the Committee conditionally approve Final Proposal 2017-72 on the ground that the words "for the tax year beginning on April 1, 2018" be inserted after the word "stewardship" in Cub 304.07 and Cub 304.08, after the word "land" in Cub 304.13, and after the word "wetland" in Cub 304.14.

Sen. Avard seconded.

Adopted.

17. The Committee discussed the continued meeting scheduled for August 31, 2017.

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

18. The Committee adjourned by consensus at 10:47 a.m.