



Action Minutes

August 20, 2020

Members Present: Representatives Hatch, McGuire, Schmidt, Williams, Hoelzel, Bershtein*, Karrick*, Fontneau*, and Lang*, and Senators Reagan, Dietsch, Kahn, Ward, Watters, Chandley*, and Gray*. (*) 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 9:02 a.m. by Rep. Hatch as Chair, who 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 were Reps. Hatch, McGuire, Schmidt, Williams, Hoelzel, Bershtein, Fontneau, and Karrick, and Sens. Reagan, Dietsch, Kahn, Ward, Watters, Chandley, and Gray.

Rep. Hatch did not designate alternates because all regular members were present.

Rep. Lang arrived during the meeting but subsequent to the roll call.

3. The Committee discussed the minutes of the Committee meeting on July 16, 2020.

Sen. Reagan moved that the minutes be approved.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “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 2020-61 DEPARTMENT OF SAFETY
Commissioner
Emergency Communication Rules, Confidentiality of Records
(*JLCAR Deadline September 21, 2020.*)

3. *Committee Conditional Approvals:*

- (a) FP 2020-52 DEPARTMENT OF SAFETY
Commissioner
Waiver of Personal Appearance by Hearing Examiner During Declared State of
Emergency
(*JLCAR Deadline August 31, 2020.*)

Sen. Reagan moved that the Committee approve the Consent Agenda, that is, approve the Final Proposal 2020-61 in Item #2 and conditionally approve Final Proposal 2020-52 in Item #3 based on the agency's conditional approval request.

Rep. Schmidt seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 "yes" and zero "no".

The motion was adopted.

5. 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 regular meeting of the Committee on September 17, 2020:

9. DEPARTMENT OF SAFETY

FP 2019-202 Commissioner
Road Toll Administration Rules
(JLCAR Deadline July 16, 2020. Some rules are interim rules that expired
June 29, 2020.)
(Formerly Item #13(a) on June 19, 2020 Agenda.)

13. LIQUOR COMMISSION

OR 2019-152 Liquor Licensing
(JLCAR Deadline October 20, 2020)

14. Discussion on Petition Responses:

(a) Petition June 19, 2020 to the Board of Chiropractic Examiners relative to amending Ch 200 on practice and procedures and Ch 404.01(f) on continuing education to address the issues as outlined in Committee staff comments to Final Proposal 2020-41.
(Response not yet filed. Response is due by August 10, 2020.)

Rep. Hoelzel seconded.

Rep. Schmidt amended his motion to add that the Committee also request a waiver from the Director of the Office of Legislative Services to waive the deadline for Committee action on Final Proposal 2019-202 to September 17, 2020.

Rep. Hoelzel amended her motion.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

6. The Committee discussed Final Proposal 2020-48 from the Insurance Department (Stop Loss Insurance). Marty Mobley and Tyler Brannen testified for the Department.

Sen. Reagan moved that the Committee approve Final Proposal 2020-48.

Sen. Ward seconded.

Action Minutes

August 20, 2020

Page 4

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

7. The Committee discussed Proposed Interim Rule INT 2020-3 from the Fish and Game Department (Chronic Wasting Disease). Paul Sanderson testified for the Department

Sen. Reagan moved that the Committee approve Proposed Interim Rule 2020-3.

Rep. Williams seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

8. The Committee discussed Final Proposal 2020-22 from the Governing Board of Athletic Trainers. Tina Kelley from the Office of Professional Licensure and Certification testified for the Board.

Sen. Reagan moved that the Committee approve Final Proposal 2020-22.

Rep. Schmidt seconded.

Action Minutes
August 20, 2020

Page 5

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire		X
Rep. Schmidt	X	
Rep. Williams		X
Sen. Dietsch		X
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward		X
Sen. Watters	X	

The vote was 6 “yes” and 4 “no”.

The motion was adopted.

9. The Committee discussed Final Proposal 2020-45 from the Pharmacy Board (Biennial Licensing). Tina Kelley and Michael Porter from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a conditional approval request in amended rules dated August 14, 2020.

Rep. Hatch moved that the Committee conditionally approve Final Proposal 2020-45 based on the request and also on the condition that the four forms incorporated in the rules which reflect applicant fees be submitted with the conditional approval response.

Sen. Dietsch seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt		X
Rep. Williams		X
Sen. Dietsch	X	
Sen. Kahn		X
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 7 “yes” and 3 “no”.

The motion was adopted.

10. The Committee discussed Final Proposal 2020-29 from the Board of Dental Examiners (Renewal Requirements and the Health Professions Survey). Tina Kelley and Michael Porter from the Office of Professional Licensure and Certification testified for the Board.

The Department had submitted a conditional request in a memo dated August 8, 2020 and amended rules dated August 12, 2020.

Sen. Reagan moved that the Committee conditionally approve Final Proposal 2020-29 based on the request and on the condition that the words “pursuant to He-C 801” be inserted at the end of Den 301.03(f) or that the same language in H

Action Minutes
August 20, 2020
Page 6

Sen. Ward seconded.

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

	<u>Yes</u>	<u>No</u>
Rep. Hatch	X	
Rep. Hoelzel	X	
Rep. McGuire	X	
Rep. Schmidt	X	
Rep. Williams	X	
Sen. Dietsch	X	
Sen. Kahn	X	
Sen. Reagan	X	
Sen. Ward	X	
Sen. Watters	X	

The vote was 10 “yes” and zero “no”.

The motion was adopted.

11. The Committee discussed the response by the Board of Accountancy to the Committee’s rulemaking petition of January 17, 2020 relative to amending Ac 301.04 and Ac 301.05 on initial certification and reciprocity to address JLCAR staff comments regarding the authority under RSA 309-B of the National Association of State Boards of Accountancy (NASBA). Michael Porter from the Office of Professional Licensure and Certification testified for the Board.

The Board had submitted a letter dated July 20, 2020 in response to the petition.

No further action was taken, although it was understood that Committee staff would prepare a review for the Committee by the regular meeting on September 17, 2020 about SB 576 to determine which agencies were affected by the defeat of this legislation in 2020.

12. The Committee discussed the amendments to RSA 541-A in HB 1245 (Chapter 37 of the Laws of 2020) which will be effective September 27, 2020, as outlined in a Committee staff memo dated August 18, 2020.

No further action was taken.

13. The Committee discussed the continued Committee meeting scheduled for September 3, 2020.

The Committee cancelled the continued meeting by consensus.

14. The Committee discussed adjournment.

Rep. McGuire moved that the Committee adjourn.

Rep. Williams seconded.

Instead of taking a vote, the Committee adjourned at the call of the Chair.

The Committee adjourned at 11:02 a.m.