



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

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VOLUME XXXII, Number 41, October 11, 2012

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NOTE: POSSIBLE RULE EXTENSION

If the proposed rules contain existing, regular rules being readopted or readopted with amendments, and are not adopted and effective until after the expiration date(s) of the existing rules(s), then the existing rules will nevertheless continue in effect pursuant to RSA 541-A:14-a until the proposed rules are adopted and effective.

2. COMMITTEE (JLCAR)

REGULAR MEETING: **Thursday, October 18, 2012 9:00 a.m.**
Rooms 305/307, Legislative Office Building

CONTINUED MEETING: **Thursday, November 1, 2012 9:00 a.m.**
Rooms 305/307, Legislative Office Building

| | | |
|----|--|----|
| a. | Certified Final Objection Re: DEPARTMENT OF HEALTH AND HUMAN SERVICES Former Division of Public Health Services Homestead Food Operations | 11 |
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Notices of Proposed Rules

| <u>Notice Number</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> | <u>Page No.</u> |
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| 2012-138 | He-P 808 | Department of Health and Human Services Former Division of Public Health Services Laboratory and Laboratory Services. | 1 |
| 2012-139 | Ed 400 | Board of Education Nonpublic Schools. | 3 |
| 2012-140 | Fis 403.07 & 408.12 | Fish and Game Department Rule for American Shad in Freshwater and the Connecticut River. | 5 |
| 2012-141 | Fis 807.08 & 807.11 | Fish and Game Department Marine Aquaculture Rules. | 7 |

**JLCAR MEETING DATES AND RELATED FILING DEADLINES
OCTOBER-DECEMBER, 2012**

The JLCAR has voted to hold its regularly scheduled monthly meetings for October through December, 2012 on the third Thursdays listed below. The minimum 14-day “deadline” prior to the regular JLCAR meeting is listed for agencies to file final proposals or proposed interim rules for placement on the JLCAR agenda pursuant to RSA 541-A:12, I and RSA 541-A:19, V. The JLCAR has also scheduled continued meetings as listed below on select Thursdays to address any items postponed from the prior regular meetings.

| Regular Meeting Filing Deadline | Regular Meeting Date | Continued Meeting Date |
|--|---------------------------------|-----------------------------------|
| October 4 | October 18 | November 1 |
| November 1 | November 15 | December 6 |
| December 6 | December 20 | None |

Notice Number 2012-138Rule Number He-P 808

1. Agency Name & Address:

NH Dept. of Health & Human Services
Health Facilities Administration
129 Pleasant Street
Concord, NH 03301

2. RSA Authority: RSA 151:9, I

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X5. Short Title: Laboratory and Laboratory Services

6. (a) Summary of what the rule says and of any proposed amendments:

He-P 808 sets forth the requirements necessary to establish, maintain and operate as a laboratory and mobile laboratory van. As required by RSA 151:9, I(a), the proposed rule establishes specific provisions and criteria for such providers in the areas of personnel, infection/disease control, client records and physical environment.

The proposed rule includes the following changes:

- **Established labs shall be allowed to operate as a collection station without the additional requirement of obtaining a collection station license under He-P 817.**
- **Hospital labs shall be exempt from licensing, which reflects current practice, but is now being recognized in the proposed rule.**
- **The application fee is being aligned with the current statute, RSA 151:5, XXIII.**
- **Language regarding construction and renovations to a lab is clarified.**
- **All waivers granted shall now be permanent unless otherwise restricted by the department.**
- **Fines are being changed to be consistent with other health facility licensing rules.**
- **Removal of the requirement for an Associate degree in a lab science and returning to the CLIA standard for laboratory testing personnel.**
- **Clarifying the training and competency requirement for testing personnel.**
- **Language has been updated throughout the rule for clarity, consistency with other health facilities licensing rules, and for program integrity.**

6. (b) Brief description of the groups affected:

Groups affected by this rule include laboratory providers, clients who receive services from such providers and their families. New Hampshire currently has 39 licensed laboratories.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

| <u>Rule</u> | <u>RSA/Federal Citation</u> |
|---------------------------|--|
| He-P 808.01 – He-P 808.03 | RSA 151:2,I(c); RSA 151:2,II; RSA 151:9,I(a)&(b) |
| He-P 808.04 – He-P 808.06 | RSA 151:9,I |
| He-P 808.07 – He-P 808.08 | RSA 151:9,I(a) |
| He-P 808.09 | RSA 151:9,I(e) |
| He-P 808.10 | RSA 151:9,I(a) |
| He-P 808.11 | RSA 151:9,I(e) |
| He-P 808.12 | RSA 151:9,I(f),(g),(i),(l) |
| He-P 808.13 | RSA 151:9,I(f),(h),(l),(m) |
| He-P 808.14 – He-P 808.21 | RSA 151:9,I(a) |

NN 2012-138 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Michael Holt** Title: **Rules Coordinator**
Address: **Dept. of Health and Human Services** Phone #: **271-9234**
Administrative Rules Unit Fax#: **271-5590**
129 Pleasant St. E-mail: **michael.holt@dhhs.state.nh.us**
Concord, NH 03301

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:
<http://www.dhhs.nh.gov/oos/aru/comment.htm>

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **Friday, November 9, 2012**

Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **Friday, November 2, 2012, 1:00 p.m.**

Place: **DHHS Brown Bldg., Auditorium, 129 Pleasant St., Concord, NH**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 12:134, dated 09/26/12

1. **Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to existing rules, the proposed rules will decrease State general fund revenue and costs to independently owned businesses by approximately \$5,000 annually. In addition, the proposed rules will decrease administrative costs by an indeterminable amount to the State and to independently owned businesses.

2. **Cite the Federal mandate. Identify the impact of state funds:**

No federal mandate, no impact on state funds.

3. **Cost and benefits of the proposed rule(s):**

- A. **To State general or State special funds:**

The proposed rules allow established laboratories to operate a collection station without the additional requirement of obtaining a collection station license. Approximately 20 labs operating collection stations will no longer have to pay the annual licensing fee of \$250 resulting in decreased revenue to the general fund of approximately \$5,000 per year. Administrative savings to the State general fund will result from the proposed rules making waivers granted by the Department permanent and removing the personnel requirement for an associate's degree in lab science. These savings cannot be determined. There will be no impact on any State special fund.

- B. **To State citizens and political subdivisions:**

None.

- C. **To Independently owned businesses:**

Established labs will no longer pay a \$250 for a separate collection station license. The allowance of permanent waivers and removal of the personnel requirement for an associate's degree in lab science will result in indeterminable savings as labs will no longer be required to renew waivers or seek personnel waivers.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed rule modifies an existing program or responsibility, but does not mandate any fees, duties or expenditures on the political subdivisions of the state, and therefore does not violate Part I, Article 28-a of the N.H. Constitution.

Notice Number 2012-139

Rule Number _____

Ed 400

1. Agency Name & Address:

State Board of Education
c/o Department of Education
101 Pleasant Street
Concord, NH 03301

2. RSA Authority:

**RSA 186:11,XXIX; RSA
186:11,XXIX-a; RSA 21-
N:9,II(o)**

3. Federal Authority:

4. Type of Action:

Adoption _____

Amendment _____

Repeal X Readoption X Readoption w/amendment X 5. Short Title: Nonpublic Schools

6. (a) Summary of what the rule says and of any proposed amendments: **These rules contain reasonable criteria for approval of nonpublic schools for the purpose of compulsory attendance requirements. They also include a process for receiving, investigating, and resolving complaints from parents or legal guardians concerning school safety and school violence in nonpublic schools. Some of these rules are being readopted because they are scheduled to expire Jan 22, 2013, subject to extensions pursuant to RSA 541-A:14-a. Proposed amendments are to clarify the rules and update policy requirements that have been amended in the statutes since the rules were previously adopted. They include RSA 126-U, RSA 193-F, RSA 189:1, and RSA 189:64.**

6. (b) Brief description of the groups affected: **Parents who are sending their children to nonpublic schools.**

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

| Rule | Statute Implemented |
|--------|---------------------|
| Ed 401 | RSA 186:11, XXIX |
| Ed 402 | RSA 186:11, XXIX |
| Ed 403 | RSA 186:11, XXIX |
| Ed 404 | RSA 186:11, XXIX |
| Ed 405 | RSA 186:11, XXIX |
| Ed 406 | RSA 21-N:9, II(f) |
| Ed 407 | RSA 186:11, XXIX |
| Ed 408 | RSA 186:11, XXIX-a |

NN 2012-139 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Mary Mayo** Title: **Program Assistant**
Address: **Department of Education** Phone #: **271-3189**
101 Pleasant Street Fax#: **271-4034**
Concord, NH 03301 E-mail: **Mary.Mayo@doe.nh.gov**
TTY/TDD Access: Relay NH 1-800-735-
2964 or dial 711 (in NH)

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: December 7, 2012

X Fax X E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **November 21, 2012 11:00 a.m.**

Place: **NH Department of Education, State Board Room**
101 Pleasant St, Concord, NH 03301

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 12:137, dated 9/26/2012

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

There is no difference in cost when comparing the proposed rules to the existing rules

2. Cite the Federal mandate. Identify the impact on state funds:

No Federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

A. To State general or State special funds:

None.

B. To State citizens and political subdivisions:

None.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: The proposed rules do not mandate fees, or additional local expenditures on a political subdivision of the state and therefore do not violate Part I, Article 28-a of the NH Constitution.

Notice Number 2012-140

Rule Number

Fis 403.07 and Fis 408.12

| | |
|---|--|
| <p>1. Agency Name & Address:</p> <p style="text-align: center;">NH Fish and Game Department 11 Hazen Drive Concord, NH 03301</p> | <p>2. RSA Authority: <u>206:10, I; 211:5</u></p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u>XX</u></p> |
|---|--|

5. Short Title: **Fish and Game Dept – Rule for American shad in freshwater and the Connecticut River**

6. (a) Summary of what the rule says and of any proposed amendments:

**The Department is proposing to:
Readopt with amendment Fis 403.07 and Fis 408.12 relative to American shad to eliminate the 2 fish limit and require catch and immediate release.**

6. (b) Brief description of the groups affected:

The proposed rules would affect persons fishing for American shad in the freshwaters of the state, including the Connecticut River.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

| Rule(s) | State Statute (RSA) | Federal Statute | Federal Regulation |
|-------------------|----------------------|-----------------|--------------------|
| Fis 403.07 | 206:10 | | |
| Fis 408.12 | 206:10; 211:5 | | |

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Sandra Falicon**

Title: **Legislative/Rules Coordinator**

Address: **NH Fish and Game
11 Hazen Drive
Concord, NH 03221**

Phone #: **603-271-3511**

Fax#: **603-271-1438**

E-mail: **comments@wildlife.nh.gov**

Subject line: American shad rules

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

NN 2012-140 Continued

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **November 14, 2012**

 Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: **November 6, 2012 7 p.m.**

Place: **Urban Forestry Center
45 Elwyn Road
Portsmouth, NH 03801**

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # **12:139**, dated **10/01/12**

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):
There is no difference in cost when comparing the proposed rules to the existing rules.
2. Cite the Federal mandate. Identify the impact on state funds:
No federal mandate, no impact on state funds.
3. Cost and benefits of the proposed rules(s):
 - A. To State general or State special funds:
None.
 - B. To State citizens and political subdivisions:
None.
 - C. To independently owned businesses:
None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution:

The proposed readoption with amendment of Fis 403.07 and Fis 408.12 relative to American shad does not violate the New Hampshire Constitution, Part 1, Article 28-a. The rules do not impose any programs or responsibilities on any political subdivision of the state nor is any political subdivision involved in the process from an administrative perspective.

Notice Number

2012-141

Rule Number

Fis 807.08 and
Fis 807.11

| | |
|---|---|
| <p>1. Agency Name & Address:</p> <p style="padding-left: 40px;">NH Fish and Game Department 11 Hazen Drive Concord, NH 03301</p> | <p>2. RSA Authority: 211:62-e, II-a and II-b</p> <p>3. Federal Authority: _____</p> <p>4. Type of Action:</p> <p style="padding-left: 20px;">Adoption _____</p> <p style="padding-left: 20px;">Amendment _____</p> <p style="padding-left: 20px;">Repeal _____</p> <p style="padding-left: 20px;">Readoption _____</p> <p style="padding-left: 20px;">Readoption w/amendment <u>XX</u></p> |
|---|---|

5. Short Title: **Fish and Game – Marine aquaculture rules**

6. (a) Summary of what the rule says and of any proposed amendments:

The Department is proposing to readopt with amendment:

- Fis 807.08 relative to conditions of marine aquaculture licenses to require a minimum of 150 feet between marine aquaculture operations; establish a maximum size of 4.5 acres for marine operations landward of the 72 COLREGS demarcation line and landward of Rye Harbor and Hampton Harbor entrances; and specify a reapplication process whenever a marine aquaculture license has been revoked, after notice and opportunity for a hearing, for violating one or more conditions of the license.

- Fis 807.11 to establish a 5 consecutive year license for oyster operations in Great Bay Estuary as required by RSA 211:62-e, II-a (Chapter 90, Laws of 2012) and to establish fees for the 5 year license that would equal 5 years of the current annual license fees. The fees for the 5-year license would be \$1,000 per acre instead of \$200 per acre for bottom culture and \$2,500 per acre instead of \$500 per acre for suspended culture. The application fee would remain as \$200 and the harvesting fee of \$.015 per organism would remain the same as in the current annual license and be paid annually. The \$100 renewal fee would also remain the same. These 5 year licensees would no longer be paying the renewal fee of \$100 until the end of the 5th year.

6. (b) Brief description of the groups affected:

The proposed rules would affect person applying for marine aquaculture licenses and aquaculture licenses for oyster operations in Great Bay Estuary.

6. (c) Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement:

| Rule(s) | State Statute (RSA) | Federal Statute | Federal Regulation |
|---------------------------|---------------------|-----------------|--------------------|
| Fis 807.08 and Fis 807.11 | 211:62-e | | |

NN 2012-141 Continued

7. Contact person for copies and questions including requests to accommodate persons with disabilities:

| | | | |
|----------|--------------------------|---|--|
| Name: | Sandra Falicon | Title: | Legislative/Rules Coordinator |
| Address: | NH Fish and Game | Phone #: | 603-271-3511 |
| | 11 Hazen Drive | Fax#: | 603-271-1438 |
| | Concord, NH 03221 | E-mail: | <u>comments@wildlife.nh.gov</u> |
| | | Subject line: | |
| | | TTY/TDD Access: | |
| | | Relay NH 1-800-735-2964 or dial 711 (in NH) | |

8. Deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **November 14, 2012**

Fax

E-mail

Other format (specify):

9. Public hearing scheduled for:

Date and Time: **November 6, 2012 7 p.m.**

Place: **Urban Forestry Center
45 Elwyn Road
Portsmouth, NH 03801**

NN 2012-141 Continued

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant)

FIS # 12:138 , dated 10/02/2012

1. Comparison of the costs of the proposed rule(s) to the existing rule(s):

When compared to the existing rules, the proposed rules may increase revenue to the Fish and Game fund and costs to certain state citizens by \$22,800 in the first year of every five year cycle, and decrease revenue to the Fish and Game fund and costs to state citizens by \$6,700 in the second through fifth years of every five year cycle.

2. Cite the Federal mandate. Identify the impact on state funds:

No Federal mandate, no impact on state funds.

3. Cost and benefits of the proposed rule(s):

The proposed rules establish an optional five year license period for oyster aquaculture licenses in Great Bay Estuary. For these five year licenses, the proposed rules keep the initial application fee at \$200 per applicant, but increase the license fees to \$1,000 per acre for bottom culture and to \$2,500 per acre for suspended culture. However, these increased amounts represent five times the current annual amounts (5 x \$200 = \$1,000 per acre for bottom culture and 5 x \$500 = \$2,500 for suspended culture), so the net effect, over each five year period, of the increase to these fees is zero. Based on the projected license fee revenue from the 18.5 acres of bottom culture at the 6 existing oyster operations and the potential license fee revenue from the 10 acres of bottom culture at the 4 oyster operations with pending applications, the comparison of potential license fee revenue for the 28.5 (18.5 + 10) possible total acreage under each scenario is:

| | Current | Proposed | Change |
|---------------------------------|----------|----------|-----------|
| Year 1 – 6 existing & 4 pending | \$5,700 | \$28,500 | \$22,800 |
| Year 2 – 6 existing & 4 pending | \$5,700 | \$0 | (\$5,700) |
| Year 3 – 6 existing & 4 pending | \$5,700 | \$0 | (\$5,700) |
| Year 4 – 6 existing & 4 pending | \$5,700 | \$0 | (\$5,700) |
| Year 5 – 6 existing & 4 pending | \$5,700 | \$0 | (\$5,700) |
| Total 5 year period | \$28,500 | \$28,500 | \$0 |

Also, under the proposed rules, the license renewal fee would remain at \$100, but payment of that fee would only be required every five years instead of every year, resulting in annual decreases of \$1,000 (\$100 renewal fee x 10 potential operators) in Fish and Game fund revenue and costs to state citizens to the extent they wish to register oyster aquaculture operations in Great Bay Estuary for a five year period.

A. To State general or State special funds:

See 3 above.

B. To State citizens and political subdivisions:

To the extent State citizens wish to register oyster aquaculture operations in Great Bay Estuary for a five year period, see 3 above. No impact on political subdivisions.

C. To independently owned businesses:

None.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: The proposed readoption with amendment of Fis 807.08 and Fis 807.11 relative to marine aquaculture does not violate the New Hampshire Constitution, Part 1, Article 28-a. The rules do not impose any programs or responsibilities on any political subdivision of the state nor is any political subdivision involved in the process from an administrative perspective.

EXTENSION OF PUBLIC COMMENT DEADLINE

Notice Number 2012-112Rule Number He-W 654.15

1. Agency Name & Address:

**Department of Health and Human Services
Division of Family Assistance
129 Pleasant St, Brown Bldg
Concord, NH 03301**

2. RSA Authority: RSA 167:3-c, IX

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption _____

Readoption w/amendment X5. Short Title: **Adult Category Earned Income Disregard**6. In accordance with RSA 541-A:11, III, the public comment deadline for this proposed rule has been extended past its scheduled date for which notice appeared in the Rulemaking Register onAugust 16, 2012 under Notice Number 2012-112.7. New deadline for submission of materials in writing or, if practicable for the agency, in the electronic format specified: **November 8, 2012** Fax E-mail Other format (specify):

8. Contact person for copies and questions including requests to accommodate persons with disabilities:

Name: **Michael Holt**Title: **Rules Coordinator**Address: **Dept. of Health and Human Services**Phone #: **271-9234****Administrative Rules Unit**Fax#: **271-5590****129 Pleasant St.****Concord, NH 03301**E-mail: **michael.holt@dhhs.state.nh.us**

TTY/TDD Access: Relay NH 1-800-735-2964 or dial 711 (in NH)

The proposed rules may be viewed and downloaded at:**<http://www.dhhs.nh.gov/oos/aru/comment.htm>**

Certified Final Objection No. 148 of the**Joint Legislative Committee on Administrative Rules**

At its meeting on September 20, 2012, the Joint Legislative Committee on Administrative Rules (Committee) voted, pursuant to RSA 541-A:13, IV, to enter a preliminary objection to Final Proposal 2012-106 containing various amendments to He-P 2300 on homestead food operations from the Department of Health and Human Services (Department). The Department responded pursuant to RSA 541-A:13, V(c) with a letter and copy of the rules from the Commissioner dated October 1, 2012, indicating that no changes were made to the rules in response to the objection.

At its meeting on October 4, 2012, the Committee voted, pursuant to RSA 541-A:13, V(f), to enter a final objection to Final Proposal 2012-106. The final objection has been filed with the Director of the Office of Legislative Services for publication in the *New Hampshire Rulemaking Register*. The effect of a final objection is stated in RSA 541-A:13, VI:

After a final objection by the committee to a provision of a rule is filed with the director under subparagraph V(f), the burden of proof thereafter shall be on the agency in any action for judicial review or for enforcement of the provision to establish that the part objected to is within the authority delegated to the agency, is consistent with the intent of the legislature, is in the public interest, or does not have a substantial economic impact not recognized in the fiscal impact statement. If the agency fails to meet its burden of proof, the court shall declare the whole or portion of the rule objected to invalid. The failure of the committee to object to a rule shall not be an implied legislative authorization of its substantive or procedural lawfulness.

The following summarizes the basis for the Committee's final objection:

He-P 2310.01(d) intro. and (d)(7); He-P 2311.04 intro. and (g)

The Committee objected that He-P 2310.01(d) introduction and (d)(7), and He-P 2311.04 introduction and (g), pursuant to Committee Rule 402.02(a), were contrary to legislative intent by conflicting with RSA 143-A:12, IV. RSA 143-A:5 had been amended, and RSA 143-A:12 had been repealed and re-enacted, by Chapter 163 of the Laws of 2012 (HB 1402), effective June 7, 2012.

He-P 2310.01(d) introduction and (d)(7) specify the labeling requirement for homestead food products made in a homestead food operation exempt from licensure pursuant to RSA 143-A:5, VII and RSA 143-A:12, II. The rules require that the label state: "This product is exempt from New Hampshire licensing and inspection." He-P 2311.04 introduction and (g) specify the labeling requirement for homestead food products made in a homestead food operation that is subject to licensure pursuant to RSA 143-A:12, III. The rules require that the label state: "This product is made in a residential kitchen licensed by NH DHHS."

The Committee noted that "homestead food products" are defined in RSA 143-A:12, I(c) and proposed rule He-P 2301.01(w) without regard to exempt versus non-exempt homestead food operations, and that RSA 143-A:12, IV requires a statement on exemption from licensure on labels of "all homestead food products sold in packages from the home kitchen or farm stand of a homestead food operation or at farmer's markets." The label must state that, "This product is exempt from New Hampshire licensing and inspection." Without further change in the objection response to the rules to address this inconsistency, the Committee determined that the rules He-P 2310.01(d) introduction and (d)(7), and He-P 2311.04 introduction and (g), were contrary to legislative intent by being in conflict with RSA 143-A:12, IV.

FINAL PROPOSALS FOR COMMITTEE REVIEW ON OCTOBER 18, 2012

| <u>Final Proposal #</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> |
|-------------------------|--|---|
| 2012-62 | Ed 506.04, 506.06, 506.08, 507.35, 512, & 614.04 | Board of Education Principal, Associate Principal, District Administrator Educational Interpreter and Professional Development. |
| 2012-64 | He-Hea 208.07 | Health Services Planning and Review Board c/o Dept. of Health and Human Services Intervention. |
| 2012-74 | Saf-C 900 | Department of Safety, Commissioner Readoption of Motor Carrier Safety Rules. |
| 2012-83 | Rec 211.03 | Governing Board of Recreational Therapists Pre-Hearing Disclosure of Witnesses and Exhibits. |
| 2012-84 | Rec 402.04, 403.03, & 403.06 | Governing Board of Recreational Therapists Renewal Application and Reinstatement Documents. |
| 2012-87 | Ins 1002.08 | Insurance Department Claims Payments. |
| 2012-89 | Rev 900 | Department of Revenue Administration Interest and Dividends Tax. |
| 2012-94 | Saf-C 5506.06 | Department of Safety, Commissioner Request for Reconsideration Rule. |
| 2012-99 | Saf-C 5700 various | Department of Safety, Commissioner Various "Operation of the Central Repository: Criminal Records" Rules. |
| 2012-100 | Fis 1201 & 1202 | Fish and Game Department Hunter and Bowhunter Education Programs and Hunter and Bowhunter Education Instructors. |
| 2012-102 | Ath 211.03 | Governing Board of Athletic Trainers Pre-Hearing Disclosure of Witnesses and Exhibits. |
| 2012-103 | Ath 302.03 & 304 | Governing Board of Athletic Trainers Notarized Signature and Temporary Visits in the State. |
| 2012-104 | Ath 402.04 & 405 | Governing Board of Athletic Trainers Multipart Renewal Application Form and Voluntary Surrender of License. |
| 2012-107 | He-W 655.04, 655.06, 655.08, & 655.09 | Department of Health and Human Services Former Division of Human Services Revisions to the Types and Issuance of Employment Support Services (ESS) Offered in the New Hampshire Employment Program (NHEP). |

FINAL PROPOSALS FOR COMMITTEE REVIEW ON OCTOBER 18, 2012

| <u>Final Proposal #</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> |
|-------------------------|---|--|
| 2012-109 | Env-Hw 100 various sections | Department of Environmental Services Hazardous Waste Programs Hazardous Waste Definitions. |
| 2012-110 | Env-Hw 300-800, 1100, various sections & 1003.05(a) | Department of Environmental Services Hazardous Waste Programs Hazardous Waste Amendments Re: Permits, Generators, Transporters, Facility Owners/Operators, Recycling, HW Cleanup Fund, Universal Waste. |
| 2012-113 | Ins 4101, 4102, &4103 | Insurance Department Requirements for Accident and Health Insurance Rate Submissions. |
| 2012-116 | Rev 1600 | Department of Revenue Administration Communications Services Tax. |
| 2012-117 | Rev 1700 | Department of Revenue Administration Financial Accounting for Cities and Towns. |
| 2012-118 | He-M 1302 | Department of Health and Human Services Former Div. of Mental Health & Developmental Svcs. Nursing Facility Preadmission Screening and Resident Review (PASRR). |
| 2012-121 | Saf-C 9300 various sections & paragraphs | Department of Safety, Commissioner Various Bureau of Electrical Safety and Licensing Rules. |

OBJECTION RESPONSE FOR COMMITTEE REVIEW ON OCTOBER 18, 2012

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| FP 2011-161 | Lab 1500 | Department of Labor Employee Leasing Companies. |
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OBJECTION RESPONSE FOR COMMITTEE REVIEW ON OCTOBER 18, 2012
IF FILED PRIOR TO THE MEETING

| <u>Proposal #</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> |
|-------------------|--------------------|---|
| FP 2012-85 | He-P 820 | Department of Health and Human Services Former Division of Public Health Services Individual Home Care Service Providers. |

NOTICE OF ADOPTED RULES

| <u>Document # (Final Proposal)</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> | <u>Effective Expires</u> |
|--|----------------------------------|---|------------------------------|
| 10181 (INT 2012-6) | Agr 910.01-910.08 | Department of Agriculture, Markets, and Food Certification of Processors and Handlers of Organic Commodities. | 09/11/2012 03/11/2013 |
| 10183 (FP 2012-67) | Resp 211.03 | Governing Board of Respiratory Care Practitioners Pre-Hearing Disclosure of Witnesses and Exhibits. <i>(As practice and procedure rules they do not expire except pursuant to RSA 541-A:17, II).</i> | 09/18/2012 |
| 10184 (FP 2012-68) | Resp 302.04 | Governing Board of Respiratory Care Practitioners Required Documents. | 09/18/2012 09/18/2022 |
| 10185 (FP 2012-16) | Ph 1300 | Pharmacy Board Pharmacist Administration of Vaccines. | 09/18/2012 09/18/2022 |
| 10186 (FP 2012-105) | He-W 540 | Department of Health and Human Services Former Division of Human Services Private Duty Nursing Services. | 10/15/2012 10/15/2022 |
| 10187 (FP 2012-92) | Env-A 200 | Department of Environmental Services Air Related Programs Procedural Rules for DES Air Resources Division. | 09/25/2012 09/25/2022 |
| 10188 (FP 2012-91) | He-P 4036-4039 | Department of Health and Human Services Former Division of Public Health Services Radiological Health Rules Relating to Licensing and Radiation Safety Requirements for Irradiators and for Wireline Services Operations and Subsurface Tracer Studies. | 09/26/2012 09/26/2022 |
| 10189 (FP 2012-95) | Saf-C 3211.05 | Department of Safety, Commissioner Official Motor Vehicle Inspection Requirements Rules - Wheel Condition. | 09/27/2012 09/27/2022 |
| 10190 (FP 2012-101) | Saf-C 1900 | Department of Safety, Commissioner Bureau of Title and Anti-Theft Rules. | 09/27/2012 09/27/2022 |
| 10191 (FP 2012-71) | He-E 720 | Department of Health and Human Services Division of Elderly and Adult Services Bureau of Elderly and Adult Services State Registry. | 09/27/2012 09/27/2022 |
| 10192 (FP 2011-160) | Emp 211 | Department of Employment Security Appeal From Denial of Continued Eligibility for Benefits. | 09/27/2012 09/27/2022 |
| 10193 (INT 2012-8) | Emp 101, 500 various sections | Department of Employment Security Definitions/Work Search/Employment Services. | 10/01/2012 04/01/2013 |

NOTICE OF ADOPTED RULES

| <u>Document # (Final Proposal)</u> | <u>Rule Number</u> | <u>Agency and Short Title of Rule</u> | <u>Effective Expires</u> |
|--|--|--|------------------------------|
| 10194 (FP 2012-80) | Ins 3507 | Insurance Department Recognition of the 2001 CSO Mortality Table for Use in Determining Minimum Benefit Reserve Liabilities and Nonforfeiture Benefits. | 10/01/2012 10/01/2022 |
| 10195 (FP 2012-81) | Ins 401.03(o), 401.04(a)(3), (b)(5), (b)(6), & (f) | Insurance Department Life, Accident and Health Form and Rate Filings. | 10/01/2012 10/01/2022 |
| 10196 (FP 2012-86) | Ins 308 | Insurance Department Life and Health Reinsurance Agreements. | 01/03/2013 01/03/2023 |
| 10197 (FP 2012-52) | Occ 305.09 & 305.11 | Governing Board of Occupational Therapists Required Documents. | 10/03/2012 10/03/2022 |
| 10198-A (FP 2012-33) | Pes 200 | Pesticide Control Board Pesticide Procedural Rules. <i>(As practice and procedure rules they do not expire except pursuant to RSA 541-A:17, II).</i> | 10/03/2012 |
| 10198-B (FP 2012-33) | Pes 300 & 400 | Pesticide Control Board Certificate of Registration Requirements and Continued Status. | 10/03/2012 10/03/2022 |