



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

Action Minutes

November 21, 2024

Members Present: Senators Chandley, Gray*, Ward, and Whitley, and Representatives McGuire, Doucette*, Fellows*, Grassie*, Grote, Hakken-Phillips*, Layon, Lynn, and Schmidt.
(*) Indicates alternate member.

(**) Part 1, Article 28-a of the N.H. Constitution was not a part of the Committee's discussions or decisions in this meeting.

1. The meeting was convened at 9:00 a.m. by Rep. McGuire as Chair.

Members present at this time, aside from Rep. McGuire, were Senators Chandley, Gray*, Ward, and Whitley, and Representatives Doucette*, Fellows*, Grassie*, Grote, Hakken-Phillips*, Layon, Lynn, and Schmidt.

Rep. McGuire designated Sen. Gray as an alternate for Sen. Lang, who was absent.

Rep. McGuire designated Rep. Doucette as an alternate for Sen. Innis, who was absent.

Rep. McGuire did not designate Representatives Fellows, Grassie, and Hakken-Phillips as alternates at this time as there were 10 other voting members, including already designated alternates, present.

2. The Committee discussed the minutes of the Committee meeting on October 17, 2024.

Rep. Grote moved that the minutes be approved.

Rep. Layon seconded.

Adopted.

3. The Committee discussed the following items on the Consent Agenda:

CONSENT AGENDA

FP 2024-97

DEPARTMENT OF ENVIRONMENTAL SERVICES
DRINKING WATER PROGRAMS
Non-Central Treatment
Env-Dw 723

Action Minutes
November 21, 2024
Page 2

- FP 2024-98** DEPARTMENT OF ENVIRONMENTAL SERVICES
DRINKING WATER PROGRAMS
Backflow Prevention
Env-Dw 505
- FP 2024-101** DEPARTMENT OF ENVIRONMENTAL SERVICES
DRINKING WATER PROGRAMS
Grants for Surface Water Treatment, Regional Water Systems, and
Groundwater Investigations
Env-Dw 1001
- FP 2024-132** DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Sanctions for Failure to Cooperate
He-W636.10
- FP 2024-133** DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Noncompliance with New Hampshire Employment Program (NHEP)
Requirements; Interim Activities
He-W 637.06 and He-W 637.18
- FP 2024-139** BOARD OF NURSING HOME ADMINISTRATORS
Supervision
Nuh 305.05
- FP 2024-140** BOARD OF DENTAL EXAMINERS
Definitions, Organization and Public Information
Den 100 various
- FP 2024-148** BOARD OF LICENSED DIETITIANS
Organizational Rules
Diet 100 various
- FP 2024-149** BOARD OF LICENSED DIETITIANS
Ethical Standards
Diet 500
- FP 2024-154** DEPARTMENT OF ENVIRONMENTAL SERVICES
AIR RELATED PROGRAMS
Definitions of Hazardous Air Pollutant and Regulated Air Pollutant
Env-A 103.41 and Env-A 104.47
- FP 2024-155** DEPARTMENT OF ENVIRONMENTAL SERVICES
AIR RELATED PROGRAMS
Standards Applicable to Certain New or Modified Facilities and Sources of
Hazardous Air Pollutants
Env-A 500

Action Minutes
November 21, 2024
Page 3

- FP 2024-156** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Organizational Rules Including Definitions for Title Plc
Plc 100
- FP 2024-157** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Clarifications, Incorporation of Definitions, and Removal of Duplicate
Definitions in Practice and Procedural Rules
Plc 201 and Plc 202
- FP 2024-158** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Adjustments to Definitions for Licensure and Discipline of Regulated
Professions
Plc 301.06 and Plc 302
- FP 2024-170** DIVISION OF PERSONNEL, DEPARTMENT OF ADMINISTRATIVE
SERVICES
Education/Experience Equivalency
Per 102 various, Per 405.01, Per 405.02, and Per 1101.02
- FP 2024-171** FISH AND GAME DEPARTMENT
Smelt; and Possession Exceeding Daily Limit- Recreational
Fis 603.06 and Fis 603.24
- FP 2024-173** DEPARTMENT OF HEALTH AND HUMAN SERVICES
COMMISSIONER
NH Residential Child Care Licensing Rules
He-C 4001.14, He-C 4001.22, and He-C 4001.23
- FP 2024-175** DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION OF ELDERLY AND ADULT SERVICES
Nursing Facility Reimbursement
He-E 806.02, He-E 806.12, He-E 806.31, He-E 806.32, and He-E 806.40
- INT 2024-9** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Changes to Licensure and Discipline Rules Based on Recent Legislation
Plc 300 various
- INT 2024-10** DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Support of Dependent Children- Definitions
He-W 401
- EXP 2024-5** BOARD OF HEARING CARE PROVIDERS
Definitions, Organization and Public Information
Hcp 100
- EXP 2024-6** GOVERNING BOARD OF SPEECH-LANGUAGE PATHOLOGISTS
Organizational Rules
Spe 100

- EXP 2024-7** GOVERNING BOARD OF SPEECH-LANGUAGE PATHOLOGISTS
Rules of Practice and Procedure
Spe 200
- FP 2024-59** DEPARTMENT OF ENVIRONMENTAL SERVICES
SOLID WASTE PROGRAMS
Solid Waste Program; Permits
Env-Sw 300
- FP 2024-147** BOARD OF MENTAL HEALTH PRACTICE
Rules and Practice and Procedure for Mental Health Practitioners
Mhp 200
- FP 2024-151** BOARD OF MENTAL HEALTH PRACTICE
Organizational Rules for the Board of Mental Health Practice
Mhp 100 various
- FP 2024-177** DEPARTMENT OF SAFETY, COMMISSIONER
Carnival-Amusement Rules
Saf-C 1400
- INT 2024-7** BOARD OF MEDICINE
Physician Assistants
Med 600 various
- INT 2024-8** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Changes to Practice and Procedure Rules Based on Recent Legislation
Plc 200 various
- FP 2024-51** DEPARTMENT OF AGRICULTURE, MARKETS AND FOOD
Animal Population Control
Agr 2800
- FP 2024-145** PASSENGER TRAMWAY SAFETY BOARD
Various Passenger Tramway Safety Rules
Pas 204.11 and Pas 300 various

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2024-97, 2024-98, 2024-101, 2024-132, 2024-133, 2024-139, 2024-140, 2024-148, 2024-149, 2024-154, 2024-155, 2024-156, 2024-157, 2024-158, 2024-170, 2024-171, 2024-173, and 2024-175, and Interim Proposals 2024-9 and 2024-10, and Expediated Repeals 2024-5, 2024-6, and 2024-7, and Objection Responses 2024-51 and 2024-145; and conditionally approve Final Proposals 2024-59, 2024-147, 2024-151, and 2024-177, and Interim Proposals 2024-7 and 2024-8.

Rep. Layon seconded.

Adopted.

4. The Committee discussed Final Proposal 2024-74 from the Department of Environmental Services, Solid Waste Programs (Landfill Requirements).

Rep. Layon moved to preliminarily object to 2024-74 based on the rules being contrary to public interest due to Committee's determination that the rules are contrary to public interest due to a lack of responsiveness to the public, pursuant to RSA 541-A:13, IV(c) and Committee Rule 403.01(a)(2), and because the rules are designed to benefit the administrative convenience of the agency to the detriment of the public, pursuant to RSA 541-A:13, IV(c) and Committee Rule 403.01(g). Additionally, the objection is based on the Committee's determination that the rules are contrary to the legislative intent of RSA 149-M:1, the purpose statement of the statute.

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Final Proposal 2024-41 from the New Hampshire Board of Education (Minimum Standards for Public School Approval). Julie Shea and Elizabeth Brown from the Department of Education testified for the Board. Chairman Drew Cline testified for the Board. The Department submitted an Amended Conditional Approval Request in a cover letter and amended rules dated October 30, 2024.

The Committee took public testimony on Final Proposal 2024-41 from Reps. Mel Myler and David Luneau, both of whom testified against the proposal.

Sen. Ward moved to conditionally approve Final Proposal 2024-41 based on the amended conditional approval.

Rep. Layon seconded.

Sen. Whitley requested a roll call.

Chair McGuire roll called a vote.

Senators Gray and Ward, and Representatives Doucette, McGuire, Layon, and Lynn voted yes.

Senators Chandley and Whitley and Representatives Grote and Schmidt voted no.
Motion passed 6-4.

Adopted.

6. The Committee discussed Final Proposal 2024-42 from the New Hampshire Board of Education (Minimum Academic Standards for Public Schools). Julie Shea and Elizabeth Brown from the Department of Education testified for the Board. Chairman Drew Cline testified for the Board.

The Committee took public testimony on Final Proposal 2024-42 from Ashley Desrochers, Mary Louise Wilson, Marcia McCafferty, David Trumble, Christine Downing, Sean Parr, Giana Gelsey, Sean Peshel, and Mary Wilke who testified against the proposal.

Sen. Gray moved to approve Final Proposal 2024-42.

Rep. Lynn seconded.

Sen. Whitley requested a roll call.

Chair McGuire roll called a vote.

Senators Gray and Ward, and Representatives Doucette, McGuire, Layon, and Lynn voted yes.

Senators Chandley and Whitley and Representatives Grote and Schmidt voted no.

Motion passed 6-4.

Adopted.

7. The Committee discussed Final Proposal 2024-141 from the Board of Dental Examiners (Ethical and Professional Duties).

Rep. Schmidt moved to postpone Final Proposal 2024-141 to the December 19, 2024 JLCAR meeting at the request of the Board.

Rep. Layon seconded.

Adopted.

8. The Committee discussed Final Proposal 2024-143 from the Department of Agriculture, Markets and Foods (Fertilizers). Patricia Benner testified on behalf of the Department.

Sen. Gray moved to approve Final Proposal 2024-143.

Sen. Ward seconded.

Adopted.

9. The Committee discussed Interim Rule 2024-11 from the Department of Health and Human Services, Former Divisions of Human Services (Distribution and Disbursement of Support Payments). Allyson Raadmae and Lisa Dekutoski testified on behalf of the Department.

Sen. Gray moved to approve Interim Rule 2024-11.

Rep. Layon seconded.

Adopted.

10. The Committee discussed Interim Rule 2024-12 from the Department of Health and Human Services, Former Divisions of Human Services (New Hampshire Lottery Intercept for Collection of Child Support Arrears). Allyson Raadmae and Lisa Dekutoski testified on behalf of the Department.

Sen. Gray moved to approve Interim Rule 2024-12.

Action Minutes
November 21, 2024
Page 7

Rep. Layon seconded.

Adopted.

11. The discussion item under other business (Final Proposal Cover Sheet: Report of Implementation of Expired Rules if the filing contains expired rules) was postponed to the next meeting.
12. The Committee did not discuss the Emergency Rule ER #14110 from the Department of Health and Human Services, Former Office of Alcohol and Drug Abuse Prevention (Voluntary Registry for Recovery Houses).

No action taken.

No continued meeting is scheduled.

The meeting was adjourned at 12:47 PM by consensus.