



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

Action Minutes

December 19, 2024

Members Present: Senators Lang, Avard*, Innis, Long, McGough*, and Ward, and Representatives Layon, Doucette*, Fellows*, Grote, Lynn, McGuire, 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 9:04 a.m. by Rep. McGuire as acting Chair.

Members present at this time, aside from Rep. McGuire, were Senators Lang, Avard*, Innis, Long, McGough, and Ward, and Representatives Doucette*, Fellows*, Grote, Layon, Lynn, and Schmidt.

2. The Committee discussed nominations for the next Committee Chair.

Rep. Schmidt nominated Sen. Lang as Committee Chair.

Sen. Innis seconded.

Adopted.

3. The Committee discussed nominations for the next Committee Vice-Chair.

Rep. McGuire nominated Rep. Layon as Committee Vice-Chair.

Rep. Schmidt seconded.

Adopted.

4. Sen. Lang designated Sen. Avard as an alternate for Sen. Reardon, who was absent.

Sen. Lang did not designate Sen. McGough or Reps. Doucette and Fellows as alternates at this time as there were 10 other voting members, including an already designated alternate present.

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

CONSENT AGENDA

- | | |
|--------------------|---|
| FP 2024-89 | DEPARTMENT OF SAFETY, COMMISSIONER
Motorcycle Rider Education Program Rules
Saf-C 5300 |
| FP 2024-111 | PUBLIC UTILITIES COMMISSION
Organizational Rules
Puc 100 |
| FP 2024-127 | FIRE STANDARDS AND TRAINING COMMISSION
Various Fire Standards and Training Commission Rules
Fire 602, Fire 701, Fire 702.02, and Fire 703 |
| FP 2024-128 | FIRE STANDARDS AND TRAINING COMMISSION
Definition of a Mental Health Condition
Fire 101.18 |
| FP 2024-153 | BOARD OF MENTAL HEALTH PRACTICE
Ethical and Professional Standards for Mental Health Practitioners
Mhp 500 various |
| FP 2024-162 | NEW HAMPSHIRE BOARD OF ACCOUNTANCY
Ethics
Ac 501-Ac 503, Ac 505-Ac 507 |
| FP 2024-166 | SPEECH-LANGUAGE PATHOLOGY AND HEARING CARE
PROVIDER GOVERNING BOARD
Organizational Rules
Sphc 100 |
| FP 2024-167 | SPEECH-LANGUAGE PATHOLOGY AND HEARING CARE
PROVIDER GOVERNING BOARD
Rules of Practice and Procedure
Sphc 200 |
| FP 2024-176 | DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Personal Care Attendant Services
He-W 552 |
| FP 2024-182 | BOARD OF LANDSCAPE ARCHITECTS
Applications for Licensure for Landscape Architects
Lsa 300 various |
| FP 2024-183 | BOARD OF LANDSCAPE ARCHITECTS
License Renewal for Landscape Architects
Lsa 400 various |

FP 2024-184 BOARD OF LANDSCAPE ARCHITECTS
Ethical Standards and Professional Conduct for Landscape Architects
Lsa 500

FP 2024-206 DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Youth Recreation Camps
He-C 4003.40 and He-C 4003.41

Rep. McGuire requested 2024-204 from the Fish and Game Department (Freshwater Fishing Seasons and Rules) be removed from the consent agenda.

Sen. Lang granted the request and 2024-204 was removed from the consent agenda.

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2024-89, 2024-111, 2024-127, 2024-128, 2024-153, 2024-162, 2024-166, 2024-167, 2024-176, 2024-182, 2024-183, 2024-184, and 2024-206, and Expediated Revision to Forms 2024-6; and conditionally approve Final Proposals 2024-100, 2024-141, 2024-186, and 2024-188, and Interim Proposals 2024-13 and 2024-14.

Sen. Innis seconded.

Adopted.

6. The Committee discussed the minutes of the Committee meeting on November 21, 2024.

Rep. Lynn moved that the minutes be approved.

Sen. Innis seconded.

Adopted.

7. The Committee discussed Final Proposal 2024-204 from the Fish and Game Department (Freshwater Fishing Seasons and Rules). Dianne Timmins testified on behalf of the Department. The Department orally made a Conditional Approval Request to amend the rules.

Rep. McGuire moved to conditionally approve Final Proposal 2024-204 based on the oral conditional approval request.

Rep. Lynn seconded.

Adopted.

8. The Committee discussed Final Proposal 2024-65 from the Department of Environmental Services Oil and Remediation Programs (Contaminated Sites Management). Robert Scott and Michael Winsett testified on behalf of the Department. The Department submitted a Conditional Approval Request in a cover letter and amended rules dated December 11, 2024.

The Committee heard public testimony on Final Proposal 2024-65 from Natch Greyes and James Steinkrauss, both of whom testified in opposition to the proposal.

Sen. Grote moved to conditionally approve Final Proposal 2024-65 based on the conditional approval.

Rep. Lynn seconded.

Adopted.

9. The Committee discussed Final Proposal 2024-69 from the Installation Standards Board (Manufactured Housing Installation Standards). Tina Kelley and Rahkiya Medley testified on behalf of the Board.

Rep. McGuire moved to preliminarily object to Final Proposal 2024-69 based on the Committee's determination that the rules lack authority pursuant to RSA 541-A:13, IV(a) because the Board lacks the authority to require compliance with the federal standards.

Sen. Avard seconded.

Adopted.

10. The Committee discussed Final Proposal 2024-169 from the Installation Standards Board (Warranty Seal). Tina Kelley and Rahkiya Medley testified on behalf of the Board.

Rep. McGuire moved to approve Final Proposal 2024-169.

Rep. Schmidt seconded.

Adopted.

11. The Committee discussed Final Proposal 2024-86 from the Department of Agriculture, Markets, and Foods (Electronic Animal Records System). Patricia Benner and Stephen Crawford testified on behalf of the Department. The Department submitted a Conditional Approval Request in a cover letter and amended rules dated December 11, 2024.

Rep. Lynn moved to conditionally approve Final Proposal 2024-86 based on the conditional approval request.

Sen. Ward seconded.

Adopted.

12. The Committee discussed Final Proposal 2024-90 from the Department of Agriculture, Markets, and Foods (Transfer of Animals and Birds). Patricia Benner and Stephen Crawford testified on behalf of the Department. The Department submitted a Conditional Approval Request in a cover letter and amended rules dated December 11, 2024. The Department also made an oral Conditional Approval Request at the meeting.

Rep. McGuire moved to conditionally approve Final Proposal 2024-90 based on the Department's submitted conditional approval request and the oral conditional approval request made at the meeting.

Rep. Schmidt seconded.

Adopted.

13. The Committee discussed Final Proposal 2024-110 from the Public Utilities Commission (Procedural Rules). Sarah Fuller and Mark Dell'Orfano testified on behalf of the Commission. The Commission submitted a Conditional Approval Request in a cover letter and amended rules dated December 16, 2024, after receiving a waiver of the Conditional Approval Request deadline from the Director of the Office of Legislative Services.

The Committee heard public testimony on Final Proposal 2024-110 from Marie Helene Bailinson, Paul Dexter, Donald Kreis, and Jessica Chiavara, all of whom testified in opposition to the proposal.

Sen. Avard moved to preliminarily object to Final Proposal 2024-110 based on the Committee's determination that the rules are contrary to legislative intent pursuant to RSA 541-A:13, IV(b) because Puc 204.10(b) is unclear.

Sen. Innis seconded.

Adopted.

14. The Committee discussed Final Proposal 2024-119 from the Higher Education Commission (Scholarships for Orphans of Veterans). Stephen Appleby and Julie Shea testified on behalf of the Commission. The Commission submitted a Conditional Approval Request in a cover letter and amended rules dated December 11, 2024.

Sen. Innis moved to conditionally approve Final Proposal 2024-119 based on the conditional approval request.

Rep. Lynn seconded.

Adopted.

15. The Committee discussed Final Proposal 2024-185 from the Board of Dental Examiners (Licensing Requirements).

Sen. Lang moved to postpone Final Proposal 2024-185 to the Committee's January 17, 2025 meeting.

Rep. McGuire seconded.

Adopted.

16. The Committee discussed Final Proposal 2024-126 from the Board of Dental Examiners (Use of General Anesthesia and Sedation by Dentists). Elizabeth Eaton, Tina Kelley, Mark Abel, H.J. Ludington testified on behalf of the Board. The Board submitted a Conditional Approval Request in a cover letter and amended rules dated December 11, 2024.

The Committee heard public testimony on Final Proposal 2024-126 from Jonathan Bean, Tommy Burk, Amy Field, Sarah Finne, and Mindy Hall, all of whom testified in opposition to the proposal, and Dwayne Thibeault, who testified in support of the proposal.

Rep. McGuire moved to preliminarily object to Final Proposal 2024-126 based on the Committee's determination that the rules are not in the public interest and contrary to legislative intent pursuant to RSA 541-A:13, IV(c) and RSA 541-A:13, IV(b) because the rules do not properly address moderate, deep,

general, and minimal sedation permitting. The rules are contrary to public interest because they do not address exceptions for maxillofacial surgeons or exceptions for emergency situations, especially for the age group 0-8. The rules are missing an age limit in Den 304.11. Finally, the rules conflict with legislative intent of RSA 317-A:12, XII-a (h), RSA 317-A:12, XXII-a (d), and RSA 317-A:12, XII-c.

Rep. Schmidt seconded.

Adopted, with Sen. Avard voting “NO”.

17. The Committee discussed the Objection Response for Final Proposal 2024-74 from the Department of Environmental Services, Solid Waste Programs (Landfill Requirements). Adam Crepeau and Michael Wimsatt testified for the Department.

Rep. McGuire move to approve Final Proposal 2024-74 based on the Department’s objection response.

Sen. Avard seconded.

Rep. Schmidt requested a roll call.

Sen. Lang roll called a vote.

Senators Avard, Innis, Lang, Long, and Ward and Representatives Grote, Layon, Lynn, and McGuire voted yes.

Representative Schmidt voted no.

Adopted.

18. The discussion item under other business (Final Proposal Cover Sheet: Report of Implementation of Expired Rules if the filing contains expired rules) was discussed by the Committee.

Sen. Lang moved to approve the revised Final Proposal Cover Sheet.

Rep. Lynn seconded.

Adopted.

19. The discussion item under other business (Tentative 2025 JLCAR Meeting Dates) was discussed by the Committee.

Rep. McGuire moved to approve the tentative 2025 JCLAR meeting dates as written.

Rep. Schmidt seconded.

Adopted.

20. The Committee discussed 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).

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No action taken.

No continued meeting is scheduled.

The meeting was adjourned at 1:29 PM by consensus.