



## **Action Minutes**

**April 19, 2024**

**Members Present:** Senators Chandley, Innis, Ward, and Gray\*, and Representatives McGuire, Grote, Layon, Lynn, Grassie\*, Hakken-Phillips\*, and Fellows\*. (\*) 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 Rep. McGuire as Chair.

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

Rep. McGuire designated Rep. Grassie for Rep. Schmidt, who was absent and Rep. Hakken-Phillips for Sen. Whitley, who was absent, and Sen. Gray for Sen. Lang.

2. The Committee discussed the minutes of the Committee meeting on March 15, 2024.

Sen. Gray moved that the minutes be approved.

Sen. Innis seconded.

Adopted.

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

### **CONSENT AGENDA**

<b>FP 2023-207</b>	DEPARTMENT OF EMPLOYMENT SECURITY Interest on Overpayments Emp 402.02
<b>FP 2023-216</b>	DEPARTMENT OF EMPLOYMENT SECURITY Adjustment of Overpaid Benefit Accounts by Compromise Emp 408
<b>FP 2023-217</b>	DEPARTMENT OF EMPLOYMENT SECURITY Offset of Federal Tax Refund Payments Emp 409

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- FP 2023-237** BOARD OF EDUCATION  
Criminal History Record Check Clearance  
Ed 504.12
- FP 2023-261** BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS  
Rules of Practice and Procedure  
Nuh 200
- FP 2023-262** BOARD OF EXAMINERS OF NURSING HOME ADMINISTRATORS  
Emergency Permit, Petitions, and Supervision  
Nuh 305
- FP 2023-267** BOARD OF REGISTRATION OF FUNERAL DIRECTORS AND  
EMBALMERS  
Conducting of Funeral, Financial Disclosure, and Entombment  
FrI 404
- FP 2023-278** BOARD OF VETERINARY MEDICINE  
Procedural Rules  
Vet 200
- FP 2023-291** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FORMER DIVISION OF PUBLIC HEALTH SERVICES  
Assigned Protection Factors for Respirators  
He-P 4095
- FP 2023-303** BOARD OF PSYCHOLOGISTS  
Temporary Licensure for Out-of-State Psychologists; the Examination for the  
Professional Practice of Psychology  
Psyc 303.04 and Psyc 303.05
- FP 2024-2** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION  
Amendments to Per Diem Compensation and Reimbursable Expense Rules  
Plc 1003.01 – Plc 1003.06 and Plc 1003.08
- FP 2024-3** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FORMER DIVISION OF HUMAN SERVICES  
Income-In-Kind  
He-W 654.07
- FP 2024-8** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FORMER DIVISION OF HUMAN SERVICES  
Electronic Account Notification Access  
He-W 604.04 and He-W 604.05
- FP 2024-9** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FORMER DIVISION OF HUMAN SERVICES  
Liability of Relatives to Support  
He-W 622.01

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- FP 2024-11** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FORMER DIVISION OF HUMAN SERVICES  
Department Mail and Deceased Recipients  
He-W 699.02 and He-W 699.04
- FP 2024-12** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FORMER DIVISION OF HUMAN SERVICES  
Adopted Children Age 18 up to Age 22 Residing with a Birthparent Who Has  
Relinquished Parental Rights  
He-W 756.05
- FP 2024-13** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FORMER DIVISION OF HUMAN SERVICES  
Advanced Practice Registered Nurse Services  
He-W 534
- EXRF 2024-3** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
COMMISSIONER  
Expedited Revision to the New Hampshire Physician Licensure Survey, the  
New Hampshire Psychologist Licensure Survey, and the New Hampshire  
Alcohol and Drug Counselor Licensure Survey  
He-C 801.03
- EXRF OR 2024-2** BOARD OF EDUCATION  
Bureau of Credentialing Educator Forms  
Ed 505.08
- OR 2023-97** REAL ESTATE APPRAISER BOARD  
Apprentice Classification, Certification and License Requirements  
Rab 301-Rab 303, Rab 305, Bab 307 various, and Rab 308
- OR 2023-167** BOARD OF PROFESSIONAL ENGINEERS  
Licensure Requirements  
Eng 300
- ROR 2023-72** DEPARTMENT OF SAFETY COMMISSIONER  
Watercraft Safety Rules  
Saf-C 400
- FP 2023-188** DEPARTMENT OF SAFETY COMMISSIONER  
Financial Responsibility  
Saf-C 7500
- FP 2023-228** DEPARTMENT OF SAFETY COMMISSIONER  
EMS Training Agency Rules  
Saf-C 5900 various
- FP 2023-264** BOARD OF EDUCATION  
Computer Science Educator  
Ed 507.54

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- FP 2023-265** DEPARTMENT OF ENVIRONMENTAL SERVICES  
WATER QUALITY AND QUANTITY PROGRAMS  
Septage Management  
Env-Wq 1600
- FP 2023-269** DEPARTMENT OF ENVIRONMENTAL SERVICES  
WETLANDS PROGRAMS  
Wetlands Definitions  
Env-Wt 100 various
- FP 2023-270** DEPARTMENT OF ENVIRONMENTAL SERVICES  
WETLANDS PROGRAM  
Wetlands Hearings, Appeals, and Waiver Requests  
Env-Wt 200 various
- FP 2023-289** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FORMER DIVISION OF PUBLIC HEALTH SERVICES  
Decommissioning and Removal of Radioactive Waste  
He-P 4024
- FP 2024-1** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
COMMISSIONER  
Employment-Related New Hampshire Child Care Scholarship Program  
Eligibility  
He-C 6910
- FP 2024-19** DEPARTMENT OF REVENUE ADMINISTRATION  
Procedural Rules, Business Profits Tax, Property Tax Credits, Exemptions and  
Deferrals, and Nursing Facility Quality Assessment Amendments  
Rev 202.01, Rev 303.06, Rev 304.10, Rev 400 various, and Rev 2703.02
- INT 2024-2** DEPARTMENT OF HEALTH AND HUMAN SERVICES  
FORMER DIVISION OF HUMAN SERVICES  
Treatment of Specific Types of Income  
He-W 654.04
- INT 2024-3** DEPARTMENT OF AGRICULTURE, MARKETS, AND FOOD  
Fertilizers  
Agr 1100

Sen. Gray moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2023-207, 2023-216, 2023-217, 2023-237, 2023-261, 2023-262, 2023-267, 2023-278, 2023-291, 2023-303, 2024-2, 2024-3, 2024-8, 2024-9, 2024-11, 2024-12, and 2024-13; approve Expedited Revision to Form EXRF 2024-3 and EXRF Objection Response 2024-2; approve Objection Responses OR 2023-97 and OR 2023-167; approve Revised Objection Response ROR 2023-72; conditionally approve Final Proposals 2023-188, 2023-228, 2023-264, 2023-265, 2023-269, 2023-270, 2023-289, 2024-1, and 2024-19 based on the agencies' Conditional Approval Requests or amended Conditional Approval Requests; and conditionally approve Interim proposals 2024-2 and 2024-3.

Rep. Lynn seconded.

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Adopted.

4. The Committee discussed postponing Final Proposal 2023-236 from the Board of Education (Investigations and Disciplinary Proceedings Regarding Educator Code of Conduct).

Sen. Ward moved to postpone Final Proposal 2023-236 to the May 17, 2024 meeting.

Rep. Grote seconded.

Adopted.

5. The Committee discussed Final Proposal 2023-184 from the Department of Safety, Commissioner (Explosives). Marta Modigliani from the Department of Safety testified for the Department. The Department submitted a conditional approval request in a cover letter and amended rules dated 3/29/2024.

Rep. Fellows arrives during the discussion.

Sen. Gray moved to accept the Conditional Approval Request for Final Proposal 2023-184.

Sen. Innis seconded.

Adopted.

6. The Committee discussed Final Proposal 2023-271 from the Department of Environmental Services, Wetlands Programs (Prime Wetlands). Courtney Lockwood from the Department of Environmental Services testified for the Department. The Department submitted a Conditional Approval Request in a cover letter and amended rules dated 4/12/24.

Sen. Gray moved to accept the Conditional Approval with the understanding that the Department would initiate rules in Chapter Env-Wt 300 regarding the good cause shown for a 40-day extension issue for Final Proposal 2023-271.

Sen. Innis seconded.

Adopted.

7. The Committee discussed Final Proposal 2023-276 from the Office of Professional Licensure and Certification (Licensure and Discipline of Regulated Professions). Lindsey Courtney from the Office of Professional Licensure and Certification testified for the Office. The Office submitted an Amended Conditional Approval Request in a cover letter and amended rules dated 4/11/2024.

Sen. Gray moved to accept the Amended Conditional Approval Request with the recommendation that the OPLC seek a legislative clarification regarding the requirement to consult with the Boards for Final Proposal 2023-276.

Rep. Grote seconded.

Adopted.

8. The Committee discussed Final Proposal 2024-14 from the Office of Professional Licensure and Certification (Licensure by Endorsement). Lindsey Courtney from the Office of Professional Licensure and

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Certification testified for the Office. Members of the public Michael Pelletier, Jesse Doucette, Ted Evans, Joy LeBlanc, and Steven Rancourt testified on the proposal. The Committee made an oral Conditional Approval that the statutory citation be added to Plc 313.34 and with the understanding that when jurisprudence exams are created, they are added to the rules in a timely manner.

Sen. Gray moved to accept the oral Conditional Approval Request for Final Proposal 2024-14.

Rep. Lynn seconded.

Sen. Gray left the meeting. Rep. McGuire designated Rep. Fellows for Sen. Gray.

Adopted.

9. The Committee discussed Final Proposal 2023-298 from the Department of Energy (Licenses for Crossing of Public Waters or State Land). Andrew Harmon from the Department of Energy testified for the Department. The Department submitted a Conditional Approval Request in a cover letter and amended rules dated 4/8/2024 and the Committee's oral Conditional Approval made on 4/19/2024.

Sen. Innis moved to accept the Conditional Approval Request and oral Conditional Approval Request for Final Proposal 2023-298.

Rep. Lynn seconded.

Adopted.

10. The Committee discussed Final Proposal 2024-7 from the Department of Health and Human Services, Former Division of Human Services (Treatment of Specific Types of Income). Nicole Valanzola from the Department of Health and Human Services testified for the Department.

Rep. Layon moved to approve Final Proposal 2024-7.

Rep. Grote seconded.

Adopted.

11. The Committee discussed cancelling its continued meeting scheduled for May 3, 2024. By consensus, the Committee cancelled the continued meeting.

12. The Committee discussed adjournment. By consensus, the Committee adjourned at 10:17 a.m.