



Action Minutes

September 19, 2024

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

(**) Part 1, Article 28-a of the N.H. Constitution was part of the Committee's discussions or decisions in this meeting.

1. The meeting was convened at 9:01 a.m. by Rep. McGuire as Chair.

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

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

Rep. McGuire designated Rep. Hakken-Phillips as an alternate for Sen. Innis, who was absent.

Rep. McGuire did not designate Rep. Fellows as an alternate at this time.

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

Rep. Grote moved that the minutes be approved.

Rep. Lynn seconded.

Adopted.

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

CONSENT AGENDA

FP 2024-18 DEPARTMENT OF ENVIRONMENTAL SERVICES
Oil and Remediation Programs
Aboveground Petroleum Storage Facilities
Env-Or 300

FP 2024-77 GOVERNING BOARD OF OCCUPATIONAL THERAPISTS
Rules of Practice and Procedure
Occ 200

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- FP 2024-79** DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF PUBLIC HEALTH SERVICES
Birthing Center Rules
He-P 810
- FP 2024-135** DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF PUBLIC HEALTH SERVICES
Home Health Care Providers- Scope
He-P 809.02
- FP 2024-82** BANKING DEPARTMENT
Organizational Rules
Ban 100
- FP 2024-107** FISH AND GAME DEPARTMENT
Special Active Duty and Military Veteran Hunting Days for Migratory
Waterfowl
Fis 1204.04
- FP 2024-117** FISH AND GAME DEPARTMENT
Use of Drones and Smart Rifles; and Permit to Place or Use a Blind
Fis 312 and Fis 1102.10
- FP 2024-109** DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Definitions for the Supplemental Nutrition Assistance Program and
Fluctuating Income
He-W 701.01, He-W 701.02, He-W 701.03, and He-W 744.03
- FP 2023-114** DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Resources-Basic Principles
He-W 656.01
- FP 2024-115** DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Eligibility of Lawfully Residing Pregnant Women and Children
He-W 816.03
- FP 2024-129** DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Health Insurance Premium Payment Program (HIPP)
He-W 511
- FP 2024-123** OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION
Applications for Licensure by Endorsement
Plc 313.03

FP 2024-63 DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF PUBLIC HEALTH SERVICES
Records, Reports, and Additional Requirements
He-P 4021

FP 2024-78 DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF PUBLIC HEALTH SERVICES
Rules for Hospitals and Special Health Care Services
He-P 802

FP 2024-116 DEPARTMENT OF HEALTH AND HUMAN SERVICES
FORMER DIVISION OF HUMAN SERVICES
Vision Care Services
He-W 565

Rep. Schmidt moved that the Committee approve the Consent Agenda, that is, approve Final Proposals 2024-18, 2024-77, 2024-79, 2024-82, 2024-107, 2024-109, 2024-114, 2024-115, 2024-117, 2024-123, 2024-129, and 2024-135; and conditionally approve Final Proposals 2024-63, 2024-78, and 2024-116.

Rep. Lynn seconded.

Adopted.

4. The Committee discussed Final Proposal 2024-41 from the Department of Education (Minimum Standards for Public School Approval). Commissioner Frank Edelblut, Julie Shea, and Elizabeth Brown of the Department testified on behalf of the Board of Education. The Board submitted a Conditional Approval Request in a cover letter and amended rules dated September 11, 2024.

The Committee took public testimony on Final Proposal 2024-41 from David Trumble and Christine Downing, both of whom testified against the proposal.

Rep. Layon arrived during the discussion.

Sen. Whitley moved to enter a preliminarily objection to Final Proposal 2024-41.

Sen. Whitley withdrew the motion for a preliminary objection.

Rep. McGuire moved to postpone Final Proposal 2024-41 to the regular Committee meeting on November 21, 2024 and to seek a waiver of the Committee's deadline to act on Final Proposal 2024-41.

Rep. Schmidt seconded.

Adopted.

5. The Committee discussed Final Proposal 2024-51 from the Department of Agriculture, Markets, and Food (Animal Population Control). Patricia Benner testified for the Department.

Rep. McGuire moved to enter a preliminary objection to Final Proposal 2024-51 based on Committee staff's comments, and with the request that the Department provide the Committee with whether licensees received notice of the Department's public hearing prior to the Department's public hearing.

Rep. Grote seconded.

Adopted.

6. The Committee discussed Final Proposal 2024-53 from the Department of Environmental Services, Solid Waste Programs (Collection, Storage, and Transfer Facility Requirements). Jamie Colby testified on behalf of the Department. Committee staff briefly discussed whether there was a violation of Article 28-a, concluding with there was no violation.

Rep. Schmidt moved to approve Final Proposal 2024-53.

Rep. Lynn seconded.

Adopted.

7. The Committee discussed postponing Final Proposal 2024-56 from the Department of Environmental Services, Solid Waste Programs (Additional Solid Waste Facility Requirements). Emily Jones and Jamie Colby testified for the Department.

Rep. Hakken-Phillips moved to postpone Final Proposal 2024-56 to the regular Committee meeting on October 17, 2024.

Rep. Schmidt seconded.

Adopted.

8. The Committee discussed Final Proposal 2024-85 from the Installation Standards Board (Inspections of Manufactured Housing Installations). Tina Kelley testified on behalf of the Board. The Board requested an oral conditional approval during the meeting to change the statutory citation in Inst 601.01 from "RSA 305-A, X" to "RSA 205-D:1, X".

Sen. Chandley left the meeting.

Rep. Grote moved to approve the conditional approval request for Final Proposal 2024-85 and requested the Board provide the Committee information on the fees collected by the Board from May 15, 2013 to July 1, 2023.

Rep. Schmidt seconded.

Adopted.

9. The Committee discussed Final Proposal 2024-87 from the Department of Environmental Services, Water Quality and Quantity Programs (Alteration of Terrain). Courtney Lockwood and Rene Pelletier testified for the Department.

Sen. Chandley returned to the meeting.

Rep. McGuire moved to approve Final Proposal 2024-87.

Rep. Lynn seconded.

Adopted.

10. The Committee discussed Final Proposal 2024-103 from the Department of Environmental Services, Water Quality and Quantity Programs (Cyanobacteria Mitigation Fund (CMF) Program for Eligible Projects). Courtney Lockwood and Amy Smagula testified for the Department.

Sen. Chandley moved to approve Final Proposal 2024-103.

Rep. Grassi seconded.

Adopted.

11. The Committee discussed Final Proposal 2024-108 from the Department of Health and Human Services, Former Division of Human Services (Protected Income Level). Nicole Valanzola and Robert Berry testified for the Department.

Rep. Schmidt moved to approve Final Proposal 2024-108.

Rep. Lynn seconded.

Adopted.

12. The Committee discussed Final Proposal 2024-145 from the Passenger Tramway Safety Board (Various Passenger Tramway Safety Rules). Briggs Lockwood and Michael Degieux testified for the Department. The Department requested an oral conditional approval during the meeting as follows:

- Amending Pas 204.11 to correct the citation of the incorporated document; and
- Amending Pas 305.03 to make the paragraph that comes after the section title paragraph (a) and re-letter the remaining paragraphs.

Rep. Grote motioned to postpone Final Proposal 2024-145.

Rep. Grote withdrew the motion to postpone.

Rep. Grote moved to conditionally approve Final Proposal 2024-145 based on the oral conditional approval request.

Rep. Lynn seconded.

Adopted.

13. Rep. Schmidt left the meeting. Rep. McGuire designated Rep. Fellows for Rep. Schmidt.

14. The Committee discussed the Emergency Rules ER 14055, ER 14056, and ER 14059 from the Department of Natural and Cultural Resources (Parks and Recreation, Reserved and Privileged Use of Land, Facilities, and Resources, and Administrative Fines Pertaining to Violations of Recreational Use Rules). Torene Tango-Lowy and Colin Capelle from the Department testified.

Rep. Grote moved to strongly recommend that the Department enter into regular rulemaking as soon as possible for the rules contained in the emergency rulemaking noted above and to include the rules containing fines, Ncr 780, titled “Administrative Fines Pertaining to Violations of Recreational Use Rules”, Ncr 730 titled “Parks and Recreation”, and Ncr 740 titled “Reserved and Privileged Use of Lands, Facilities and Resources” as well as Chapter 100 “Organization Rules” and Chapter 200 “Practice and Procedure Rules”. The Committee also recommends that the agency review the administrative rules that have been relied upon since the agency’s creation to determine what rules are needed for the agency’s operations, such as organizational rules and procedure rules.

Rep. Layon seconded.

Adopted.

15. The Committee discussed the Department of Revenue Administration’s letter in response to the Committee’s August 15, 2024 letter. No action was taken.

The continued meeting was cancelled.

The meeting was adjourned at 11:19 AM by consensus.