



NEW HAMPSHIRE RULEMAKING REGISTER

OFFICE OF LEGISLATIVE SERVICES

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TABLE OF CONTENTS

1.	<u>OFFICE OF LEGISLATIVE SERVICES</u>	<u>Page No.</u>
a.	List of Notices of Proposed Rules NN 2008-241 through NN 2008-242 and Proposed Interim Rule INT 2008-43	-i-
b.	Notices of Proposed Rules and Proposed Interim Rule	1
c.	Executive Order Number 2008-10 An Order Directing a Reduction in Executive Branch Expenditures	8
d.	Executive Order Number 2008-11 An Order Directing Executive Branch Spending Reductions	11
2.	<u>COMMITTEE (JLCAR)</u>	

CONTINUED MEETING Previously Scheduled for December 4, 2008 Has Been Cancelled

REGULAR MEETING: Thursday, December 18, 2008 9:00 a.m.
Rooms 306/308, Legislative Office Building

JLCAR MEETING DATES AND RELATED FILING DEADLINES DECEMBER, 2008

The JLCAR has voted to hold its regularly scheduled monthly meeting for December, 2008 on the third Thursday 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.

***Note:** Register publication, and notice filing deadlines, will still occur on Fridays, except as noted. RSA 541-A:19, V requires that an agency's interim rulemaking notice, whether in a newspaper or in the Register, must be published at least 7 days prior to the JLCAR meeting. Therefore, the deadline for filing a proposed interim rule with a Register notice will be earlier as listed below.

*Filing Deadline for Interim Rules w/ Register Notice	Regular Meeting Filing Deadline	Regular Meeting Date	Continued Meeting Date
November 26 (Wednesday)	December 4	December 18	None

NEW HAMPSHIRE RULEMAKING REGISTER

Notices of Proposed Rules

<u>Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
2008-241	Den 102 & 200-500 (various sections & paras.)	Board of Dental Examiners Board Organization, Financial Interests, Pleadings, Complaints, Adjudicatory Proceedings, Authority of Presiding Officer, Licensure, Fees, Qualifications, Duties, and General Housekeeping.	1
2008-242	Env-Dw 501 (currently Env-Ws 303.03)	Department of Environmental Services Drinking Water Programs Permit to Operate for Public Water Systems.	4

Notices of Proposed Interim Rules

<u>Interim Notice Number</u>	<u>Rule Number</u>	<u>Agency and Short Title of Rule</u>	<u>Page No.</u>
(INT 2008-43)	Puc 900	Public Utilities Commission Net Metering for Customer-Owned Renewable Energy Generation Resources of 25 Kilowatts or Less.	6

Notice Number 2008-241

Rule Number Den 102 and Den 200, Den 300, Den 400 & Den 500 (Various sections & paragraphs)

1. Agency Name & Address:	2. RSA Authority:	RSA 317-A:12 III, IV, V, VI, VII, X, XI, XII-a, XII-b, XIII
NH Board of Dental Examiners 2 Industrial Park Drive Concord, NH 03301	3. Federal Authority:	N/A
	4. Type of Action:	
	Adoption	<u>X</u>
	Amendment	<u>X</u>
	Repeal	_____
	Readoption	_____
	Readoption w/amendment	<u>X</u>

5. Short Title: **Board Organization, Financial Interests, Pleadings, Complaints, Adjudicatory Proceedings, Authority of Presiding Officer, Licensure, Fees, Qualifications, Duties and general housekeeping.**

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

The amendments address Board committees, anonymous complaints, retention of complaints, copying fees, reinstatement of inactive licenses, qualifications, anesthesia/sedation permits and the reporting to the Board of sanctions received by New Hampshire Licensees from other jurisdictions. Other amendments are of a "housekeeping" nature.

6. (b) Brief description of groups affected: **All licensees**

NN 2008-241 Continued

10. Fiscal Impact Statement (Prepared by Legislative Budget Assistant

FIS # 08:252, dated November 24, 2008**1. Comparison of the costs of the proposed rule(s) to the existing rule(s):**

When compared to the existing rules, the proposed rules would increase state general fund revenue and costs to independently owned businesses by an indeterminable amount to the extent businesses requested a list of dentists or hygienists and are required to pay such fees.

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:**

The proposed rules would establish reinstatement fees for lapsed dental and dental hygiene licenses. Pursuant to RSA 317-A:15-a, in order to reinstate their license, individuals are required to pay a registration fee, a late fee, and a reinstatement fee. Since current rules do not contain a specific reinstatement fee, the Board currently requires these individuals to pay the application and examination fee (\$200 for dentists, and \$100 for dental hygienists), in addition to the registration fee and late fee. The proposed rules would establish a specific reinstatement fee at \$200 for dentists, and \$100 for dental hygienists, which would be paid in addition to the registration fee and late fee. Since the reinstatement fee is being established at the same level as the current application and examination fee, there will be no additional costs to the licensees and no additional revenue to the state general fund resulting from this change.

The proposed rules also establish a new \$50 fee for a list of dentists or dental hygienists, which would increase costs to independently owned businesses to the extent they requested such list. The Board is unable to determine the exact fiscal impact at this time, but any revenue from the new fee would be deposited into the state general fund.

B. To State citizens and political subdivisions:

Although the proposed rules establish a new \$50 fee for a list of dentists or dental hygienists, the Board states individuals do not request the full list, but rather specialty lists which are 1 to 2 pages long and available at no cost.

C. To independently owned businesses:

To the extent independently owned businesses request a list of dentists or dental hygienists and are required to pay the fee stated in A above, they will experience increased costs.

11. Statement Relative to Part I, Article 28-a of the N.H. Constitution: This proposal does not effect any political subdivision. Therefore, there is no violation of the New Hampshire Constitution, Part I, Article 28-a.

Notice Number 2008-242

Rule Number Env-Dw 501 (currently Env-Ws 303.03)

1. Agency Name & Address:

Department of Environmental Services
 29 Hazen Drive
 P.O. Box 95
 Concord, NH 03302-0095

2. RSA Authority:

RSA 485:41, VIII

3. Federal Authority:

4. Type of Action:

- Adoption _____
- Amendment _____
- Repeal _____
- Readoption _____
- Readoption w/amendment _____

5. Short Title: Permit to Operate for Public Water Systems

6. (a) Summary of what the rule says and the effect of the rule on those regulated:

RSA 485:3-a authorizes the Department to grant operational permits for public water systems. RSA 485:41, VIII authorizes the Department to adopt a fee system for the operational permits, and specifies the amounts of the fees. Currently, the provisions relative to the permit to operate (PTO) are in Env-Ws 303.03. Under the redesignation of Department rules that is in process, Env-Ws 303.03 is slated to become Part Env-Dw 501. Because Env-Dw 502 is being proposed for adoption, the Department is also proposing to adopt Env-Dw 501 at this time. The goal of the readoption (with amendment) is to clarify the rules but not make any substantive changes to how the PTO is obtained.

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

Any owner of a community water system (CWS) or a non-transient non-community water system (NTNC) will be affected by these rules.

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

Rule Sections	State Statues Implemented
Env-Dw 501	RSA 485:3-a; RSA 485:41, VIII

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

Name: Debra Sonderegger Title: Principal Planner
 Address: Department of Environmental Services Phone #: (603) 271-2862
29 Hazen Drive Fax#: (603) 271-0656
P.O. Box 95 E-mail: debra.sonderegger@des.nh.gov
Concord, NH 03302-0095

The rules also can be viewed in PDF at <http://des.nh.gov/organization/commissioner/legal/rulemaking/index.htm> 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: Tuesday, January 20, 2009, 4:00 p.m.

- Fax E-mail Other format (specify):

9. Public hearing scheduled for:

Date and Time: Thursday, January 8, 2009, 9:30 a.m.
 Place: Rooms 110/111, DES Offices, 29 Hazen Drive, Concord, N.H.

NN 2008-242 Continued

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

FIS # 08:258 , dated 11/21/08

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

There is no cost attributable to the proposed rules or the existing rules. Any costs or benefits are attributable to RSA 485:41, VIII.

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):

There are no costs or benefits attributable to the proposed rules. Any costs associated with the proposed rules are attributable to RSA 485:41, VIII.

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 PTO fees are established in statute; the rules simply establish the process for applying for initial or renewal PTOs. The proposed readoption with amendment of the rules does not create, modify, or expand the program in such a way as to require action by political subdivisions and so does not require political subdivisions to make any expenditures. The rules thus do not violate Part I, Article 28-a of the N.H. Constitution.

Proposed Interim Rule Number 2008-43

Rule Number Puc 900

1. Agency Name & Address:

New Hampshire Public Utilities Commission
 21 South Fruit Street, Suite 10
 Concord, NH 03301

5. Filing Date: **November 26, 2008**

2. RSA Authority: RSA 362-A:9,V

3. Federal Authority: _____

4. Type of Action:

Adoption _____

Amendment _____

Repeal _____

Readoption X

Readoption w/amendment _____

6. Short Title: **Puc 900 - NET METERING FOR CUSTOMER-OWNED RENEWABLE ENERGY GENERATION RESOURCES OF 25 KILOWATTS OR LESS**

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

Name: **Suzanne Amidon**

Title: **Staff Attorney**

Address: **New Hampshire Public Utilities Commission**
 21 South Fruit Street, Suite 10
 Concord, NH 03301

Phone #: **603-271-6616**

Fax#: **603-271-3878**

E-mail: **suzanne.amidon@puc.nh.gov**

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

8. Summary explaining the effect of the rule: **The proposed rule establishes reasonable interconnection requirements for safety, reliability and power quality for customer owned renewable energy generation resources, namely those which are solar, hydro or wind powered, of 25 kilowatts or less. Specifically, the proposed rule sets forth definitions of terms, general rules, rights and obligations, statutory and other requirements, requirements relating to the interconnection application process, technical requirements for interconnection, description of compliance paths for units using and not using an inverter to interface with the electrical grid and procedural requirements for all interconnected units.**

Net energy metering is a way to provide a reasonable opportunity for small customers to choose interconnected self generation, to encourage private investment in renewable energy resources, to stimulate in-state commercialization of innovative and beneficial new technology, to enhance the future diversification of the state's energy resource mix, and reduce interconnection and administrative costs.

9. Listing of people, enterprises, and government agencies affected by the rule: **Any person or entity which seeks to interconnect to the electric grid with a renewable energy generation resource of 25 kilowatts or less in capacity. Additionally affected are electric utilities which distribute electric power within the State of New Hampshire and electric suppliers within the state as defined in the rule.**

INT 2008-43 Continued

10. Specific section or sections of state statute or federal statute or regulation which the rule is intended to implement.

Rule(s)	State Statute (RSA)
Puc 900 (other specific statute provisions implemented by specific rules are listed below)	RSA 362-A:9,V
Puc 904.02	RSA 541-A:16, I(b)
Puc 908.03	RSA 365:8,I
Puc 908.05	RSA 541-A:30,II
Puc 908.06	RSA 374:15

11. Summary of the effect upon the state if the rule were not adopted: **The current Puc 900 Rules regarding Net Metering for Customer-Owned Renewable Energy Generation Resources of 25 Kilowatts or Less, would expire on January 12, 2009, prior to the completion of readoption of new rules, which could affect safety, reliability and power quality issues for net energy metering.**

12. Proposed date of review by the Joint Legislative Committee on Administrative Rules: **December 18, 2008.**

State of New Hampshire
By His Excellency
John H. Lynch, Governor

Executive Order 2008-10

An order directing a reduction in Executive Branch expenditures

WHEREAS, RSA 9:16-b provides that "[n]otwithstanding any other provision of law, the governor may, with prior approval of the fiscal committee, order reductions in any or all expenditure classes within any or all departments, as defined in RSA 9:1, if he determines at any time during the fiscal year that: (a) Projected state revenues will be insufficient to maintain a balanced budget and that the likelihood of a serious deficit exists; or (b) The actual lapse for each fiscal year is not going to equal the level estimated in the forecast of funds, unappropriated surplus, as issued by the legislative budget assistant;"

WHEREAS, the Governor has determined that the budgeted state revenues are insufficient to fund state budgeted expenditures as authorized by Chapter 262, N.H. Laws of 2007;

WHEREAS, the Governor and Legislature are committed to taking such steps as are required to achieve a balanced budget by the end of the biennium;

WHEREAS, the Governor has met with the presiding officers of the House and Senate and has thus determined that it is in the public interest to meet with the legislative fiscal committee, which has, in turn, responded to the Governor's initiative by consenting to certain actions to reduce executive branch expenditures;

NOW, THEREFORE, I, JOHN H. LYNCH, Governor of the State of New Hampshire, by virtue of the power and authority vested in me by RSA 9:16-b and part II, article 41 of the New Hampshire Constitution, do hereby order the following:

a. The appropriations as authorized for the fiscal year ending June 30, 2009 for each department listed below are hereby reduced by the amount indicated.

PAU	AGENCY NUMBER	DEPARTMENT	AMOUNT
01-03	002	Executive Office	85,836
01-03	002	Commission on Disabilities	11,664
01-04	014	Administrative Services	2,816,469
01-05	032	Secretary of State	32,000
01-06	034	Cultural Resources	205,388
01-07	084	Revenue Administration	395,372
01-08	038	Treasury Department	7,043,744
01-09	089	Board of Tax & Land Appeals	13,000
01-11	028	Real Estate Commission	80,000
01-11	031	Joint Board	2,765
01-11	051	Accountancy Board	1,000
01-11	064	Commission on the Status of Women	6,556
01-11	064	Real Estate Appraiser Board	2,500
02-02	012	Adjutant General	193,023
02-03	018	Agriculture	130,238
02-04	020	Justice (Attorney General)	468,056

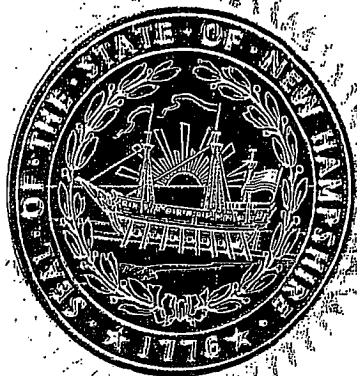
02-06	073	Public Employee Labor Relations Board	2,500
02-06	064	Manufactured Housing Board	50
02-08	086	Racing and Gaming	95,221
02-06	064	Labor	10,000
02-13	077	Liquor Commission	135,517
02-15	023	Safety	69,336
02-16	046	Corrections	705,575
02-18	007	Judicial Council	315,522
02-19	076	Human Rights Commission	500
03-01	075	Fish and Game	5,000
03-03	035	Resources & Economic Development	510,160
03-04	044	Environmental Services	3,387,417
03-04	064	Plumbers Board	500
04-01	096	Transportation	54,256
05-01	---	Health & Human Services	25,361,511
05-02	043	Veterans Home	509,131
05-03	066	Veterans Council	2,308
05-05	074	Cosmetology and Barbers Board	4,300
05-05	074	Nursing Registration	15,000
05-05	074	Medicine Board	1,200
05-05	074	Pharmacy Commission	6,000
05-05	074	Dental Examiners	4,737
05-05	074	Office of Allied Health Professionals	5,210
05-05	074	Massage Therapy Ad. Board	1,000
05-05	074	Chiropractic Board	1,129
05-05	074	Funeral Directors & Embalmers	1,346
05-05	074	Optometry Board	200
05-05	074	Nursing Home Examiners	50
05-05	074	Alcohol/Other Drug Abuse Prof.	100
05-05	074	Ophthalmic Dispensers	904
05-05	074	Dietitians Council	841
05-05	074	Hearing Care Providers	50
05-05	074	Naturopathic Examiners	453
05-05	074	Acupuncture	437
05-05	074	Electrolysis Board	222
05-05	074	Midwifery Council	41
05-05	074	Podiatry Board	50
05-05	075	Board of Mental Health Practice	4,849
06-01	057	Postsecondary Education Comm.	24,500
06-03	002	State Planning & Energy Program	71,812
06-03	056	Education	4,633,000
06-04	061	Christa McAuliffe Planetarium	27,444

b. In lieu of a reduction in appropriation, the University System has agreed to pay \$4,516,101 prior to June 30, 2009. \$ 4,516,101

c. In addition, the Community College System has agreed to pay \$1,672,864 in monthly installments prior to June 30, 2009.

\$ 1,672,864
TOTAL \$53,645,955

- d. The reductions directed by this order shall remain in effect until June 30, 2009 or until terminated, provided, however, that individual exceptions to any of the above provisions may be requested by any department in writing to the Governor. Any exceptions granted by the Governor shall be transmitted to the fiscal committee.



Given under my hand and seal at the Executive Chambers in Concord, this 21st day of November, in the year of our Lord, two thousand and eight.

A handwritten signature in black ink, appearing to read "John A. White", is written over a horizontal line.

Governor of New Hampshire

State of New Hampshire
By His Excellency
John H. Lynch, Governor

Executive Order 2008-11

An order directing Executive Branch spending reductions

WHEREAS, RSA 9:16-b provides that “[n]otwithstanding any other provision of law, the governor may, with prior approval of the fiscal committee, order reductions in any or all expenditure classes within any or all departments, as defined in RSA 9:1, if he determines at any time during the fiscal year that: (a) Projected state revenues will be insufficient to maintain a balanced budget and that the likelihood of a serious deficit exists; or (b) The actual lapse for each fiscal year is not going to equal the level estimated in the forecast of funds, unappropriated surplus, as issued by the legislative budget assistant;”

WHEREAS, the Governor has determined that the budgeted state revenues for Fiscal Year 2009 are insufficient to fund state budgeted expenditures as authorized by Chapter 262, N.H. Laws of 2007;

WHEREAS, the Governor and Legislature are committed to taking such steps as are required to achieve a balanced budget by the end of the biennium;

WHEREAS, the Governor has met with the presiding officers of the House and Senate and has thus determined that it is in the public interest to meet with the legislative fiscal committee, which has, in turn, responded to the Governor’s initiative by consenting to certain additional actions to further reduce expenditures for purchases in the executive branch;

NOW, THEREFORE, I, JOHN H. LYNCH, Governor of the State of New Hampshire, by virtue of the power and authority vested in me by RSA 9:16-b and part II, article 41 of the New Hampshire Constitution, do hereby order the following steps to apply to all departments as defined in RSA 9:1 in order to effect a reduction in expenditures:

1. Overtime: Overtime hours funded with general funds shall not be authorized, with the exception of overtime that is necessary for direct care, to ensure public safety, to respond to emergencies, to comply with provisions of collective bargaining agreements or pursuant to a written overtime policy approved by the agency head and deemed essential to carry out the core mission of the department.

2. State Vehicles: All state vehicles shall be parked overnight at the primary business office of the state employee assigned to the vehicle, unless the agency head determines that storage of the vehicle at a personal residence or other location is necessary for the state employee to carry out his or her assigned duties.

3. Mileage Reimbursement: Departments shall require the use of car pools or pooled state vehicles when feasible for travel during the workday. Mileage reimbursement requests shall not be authorized where a car pool or state vehicle was feasible but was not used.

4. Publications and Printing: Reports should be published only electronically whenever possible.

5. Consultants: Departments shall only retain essential consulting services, and shall terminate existing consulting services, as feasible, unless determined to be essential to the department's operations.

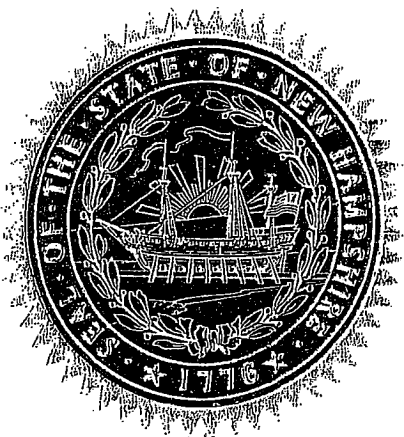
6. Books, Periodicals, Newspapers and Subscriptions: Books, periodicals, newspapers and subscriptions shall be canceled, unless determined to be essential to the department's operations.

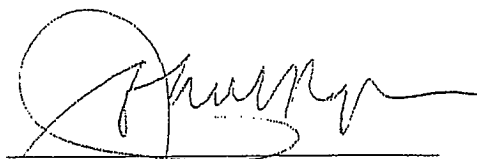
7. Tuition Reimbursement: No tuition reimbursement shall be authorized.

8. Phones: All departments shall implement a reduction in telephone landlines, by identifying lines that are not being used or are non-essential. All departments shall implement a reduction in mobile cellular phone usage by terminating non-essential mobile cellular phones and by encouraging the pooling of mobile cellular phones amongst state employees.

The steps directed by this Executive Order shall remain in effect until terminated, provided, however, that individual exceptions to any of the above provisions may be requested by any department in writing to the Governor. Any exceptions granted by the Governor shall be transmitted to the fiscal committee.

Given under my hand and seal at the
Executive Chambers in Concord, this 21st
day of November, in the year of our Lord,
two thousand and eight.




Governor of New Hampshire