

Readopt with amendment Inst 103.01, effective 5/15/13 (Document #10336), to read as follows:

Inst 103.01 Composition of Board.

(a) Pursuant to RSA 205-D:2, I the board **shall** consist[s] of 9 members who meet the eligibility requirements of RSA 205-D:2, I (a)-(h).

(b) Biennially, the board **shall** elect[s] or appoint a chairperson and vice-chairperson at the first meeting of the board in a calendar year.

Readopt with amendment Inst 103.01, effective 12/24/05 (Document #8492), to read as follows:

~~Inst 103.03 [Staff.] Board Committee[.]s or Members. [(b)]~~ The board shall delegate authority to a board committee or individual board members to perform operations that fulfill the board's statutory responsibilities.

Commented [RM1]: The board does not have statutory authority for committees.

~~[(e) The board shall delegate investigatory and other functions within its jurisdiction to committees consisting of one or more board members when such delegations are necessary to perform the board's work more efficiently.~~

~~— (d) Committees shall have authority to investigate and make recommendations to the board, but they cannot make final determinations on behalf of the board.~~

~~— (e) Committees shall not have authority to retain paid advisors or use the voluntary services of non-board members, unless authorized by the commissioner.]~~

Readopt with amendment Inst 103.05, effective 4/14/12 (Document #10112), to read as follows:

Inst 103.05 Office Hours, Office Location, Mailing Address, and Telephone.

(a) The board's office shall be located at the Office of Professional Licensure and Certification, 7 Eagle Square, Concord, N.H. and shall be open to the public weekdays, excluding holidays, from 8:00 a.m. to 4:00 p.m.

(b) Correspondence shall be addressed to the:

Office of Professional Licensure ~~an~~ and Certification
Manufactured Housing Installation Standards Board
7 Eagle Square
Concord, N.H. 03301

(c) The board's telephone number shall be (603)-271-2152.

Readopt with amendment Inst 103.06, effective 12/24/05 (Document #8492), as amended effective 5/15/13 (Document #10336), to read as follows:

~~Inst 103.06 Duties of the Board.~~

Commented [R2]: Why is this here if the duties are outlined in statute? I'm guessing it is a rule writing manual requirement. I am concerned about potential confusion.

(a) The statutory responsibilities of the board created by RSA 205-D:2, V and RSA 205-D:3 shall include but are not limited to:

- (1) Adopting rules and regulations to administer RSA 205-D in accordance with RSA 541-A;
- (2) Establishing licensing qualifications and standards for manufactured housing installers;
- (3) Setting reasonable standards for installation including but not limited to, supports, anchoring, and underpinning of manufactured houses installed in this state;
- ~~[(6)]~~**(4)** Conducting ~~[investigations and]~~ inspections;
- ~~[(7) Addressing complaints from consumers, park owners, manufacturers, retailers or installers of manufactured housing;]~~
- ~~[(8)]~~**(5)** Undertaking disciplinary proceedings which shall result in license suspension, revocation, an order to participate in a continuing education program, probation, payment of fine, or dismissal of the complaint **in accordance with Plc 200**;
- ~~[(9) Conducting fair and impartial hearings, issuing written decisions, orders and rulings;]~~
- ~~[(10)]~~**(6)** Establishing ~~[information to be contained]~~ **requirements** on forms as necessary;
- ~~[(11)]~~**(7)** Developing and providing a program to train and educate installers or referring to a board approved program developed and taught by a private agency; and
- ~~[(12)]~~**(8)** Developing and providing alternative dispute resolution through the board or referring to a board approved private agency offering alternative dispute resolution.

Commented [R3]: I know this was language used before but is this word necessary?

Readopt with amendment Inst 104.02, effective 12/24/05 (Document #8492), as amended effective 5/15/13 (Document #10336), to read as follows:

Inst 104.02 Quorum. **A quorum of the board shall be 5 members of the board.** ~~[consist of a majority of the members approved by the governor and council and a majority vote by the quorum shall be necessary to pass a motion.]~~ In the absence of chair or vice chair the chair shall designate a pro tempore officer for the officer or officers absent.

Readopt with amendment Inst 104.03, effective 12/24/05 (Document #8492), to read as follows:

Inst 104.03 Decisions.

(a) The board's decisions shall be ~~[issued only after the majority has voted on the motion]~~ **based on a majority vote of the members present who are eligible to vote.**

(b) A board member who was present at a hearing but absent from the meeting at which a tentative decision was reached shall be eligible to vote on the final decision prepared in accordance with the board's direction, if the member is not otherwise recused from the matter.

Commented [R4]: This is covered in case law and is not necessary

Readopt with amendment Inst 105, effective 12/24/05 (Document #8492), as amended effective 4/14/12 (Document #10112), to read as follows:

Inst 105.01 Requests for Information. **Request for information and access to records shall be as described in Plc 103.**

~~[(a) All requests for information shall be directed to the address provided in Inst 103.05.~~

~~— (b) Persons desiring copies of board records shall submit a request which identifies as particularly as possible the information being sought.~~

~~— (c) If records are requested which contain both confidential and public information the board will redact the confidential information and provide the remaining information.]~~

APPENDIX

RULE	STATUTE
Inst 103.01	RSA 541-A:16, I(a); RSA 205-D:2, I and III
Inst 103.03	RSA 541-A:16, I(a); RSA 205-D:2
Inst 103.05	RSA 541-A:16, I(a); RSA 205-D::2
Inst 103.06	RSA 541-A:16, I(a); RSA 205-D:2, V and RSA 205-D:3
Inst 104.02	RSA 541-A:16, I(a); RSA 205-D:2, III
Inst 104.03	RSA 541-A:16, I(a)
Inst 105.01	RSA 541-A:16, I(a); RSA 91-A:4