

Committee Report

CONSENT CALENDAR

February 8, 2021

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Executive Departments and Administration to which was referred HB 137,

AN ACT relative to the rulemaking authority of the department of information technology. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Carol McGuire

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 137
Title:	relative to the rulemaking authority of the department of information technology.
Date:	February 8, 2021
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill exempts Department of Information Technology standards and protocols on the state telephone system and cybersecurity from rulemaking requirements. In most cases these are technical documents, frequently industry standards, and converting them to rules (which must comply with the formats set up by the lawyers) would confuse the users of these standards, rather than make them simpler. It also clarifies when rules needed to be written.

Vote 19-0.

Rep. Carol McGuire
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 137, relative to the rulemaking authority of the department of information technology. **OUGHT TO PASS.**

Rep. Carol McGuire for Executive Departments and Administration. This bill exempts Department of Information Technology standards and protocols on the state telephone system and cybersecurity from rulemaking requirements. In most cases these are technical documents, frequently industry standards, and converting them to rules (which must comply with the formats set up by the lawyers) would confuse the users of these standards, rather than make them simpler. It also clarifies when rules needed to be written. **Vote 19-0.**

Archived: Tuesday, April 20, 2021 9:15:16 AM
From: [Miriam Simmons](#)
Sent: Tuesday, April 20, 2021 9:08:53 AM
To: [Miriam Simmons](#)
Subject: HB 137 Blurbs, 2/8
Response requested: No
Importance: Normal

From: Carol McGuire <mcguire4house@gmail.com>
Sent: Tuesday, February 9, 2021 10:51 AM
To: [Miriam Simmons <miriam.simmons@leg.state.nh.us>](mailto:miriam.simmons@leg.state.nh.us); [Pam Smarling <Pam.Smarling@leg.state.nh.us>](mailto:Pam.Smarling@leg.state.nh.us)
Subject: Blurbs, 2/8

HB 137, on the rulemaking authority of DOIT

This bill exempts some DOIT standards and protocols (on the state telephone system and cybersecurity) from rulemaking requirements. In most cases these are technical documents, frequently industry standards, and converting them to rules (which must comply with the formats set up by the lawyers) would confuse the users of these standards, rather than make them simpler. It also clarifies when rules needed to be written.

Carol McGuire for the committee

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 137

BILL TITLE: relative to the rulemaking authority of the department of information technology.

DATE: February 8, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: OUGHT TO PASS

Moved by Rep. McGuire

Seconded by Rep. S. Pearson

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep John Sytek, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS & ADMINISTRATION

EXECUTIVE SESSION on Bill # HR 137

BILL TITLE: RELATIVE TO RULEMAKING AUTHORITY

DATE: 2-8-21

LOB ROOM: 206-208

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # 19-0
 Interim Study (2nd year) (if offered)

Moved by Rep. MEGUIRE Seconded by Rep. MEGUIRE ^{PEARSON} Vote: PEARSON

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
 Interim Study (2nd year) (if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: 5 YES _____ NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion _____

Respectfully submitted: [Signature] _____
 Rep. John Sytek, Clerk



2021 SESSION

Executive Departments and Administration

Bill #: HB 137 Motion: OTP AM #: _____ Exec Session Date: 2-8-21

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	X		
Roy, Terry Vice Chairman	X		
Sytek, John Clerk	X		
Pearson, Stephen C.	X		
Yakubovich, Michael	X		
Lekas, Tony	X		
Alliegro, Mark C.	X		
Bailey, Glenn	X		
Lanzara, Tom E.	X		
Santonastaso, Matthew	X		
Goley, Jeffrey P.	X		
Schuett, Dianne E.	X		
Jeady, Jean L.	X		
Schmidt, Peter B.	X		
Schultz, Kristina M.	X		
Fellows, Sallie D.	X		
Fontneau, Timothy J.	X		
Grote, Jaci L.	X		
O'Brien, Michael B.	X		
TOTAL VOTE:			

19-0

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON HB 137

BILL TITLE: relative to the rulemaking authority of the department of information technology.

DATE: February 8, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 1:20 p.m.

Time Adjourned: 2:00 p.m.

ALL PRESENT
(please circle if present)

Committee Members: Reps. McGuire, Roy, Sytek, S. Pearson, Yakubovich, Lekas, Alliegro, Bailey, Lanzara, Santonastaso, P. Schmidt, Schultz, Goley, Jevdy, Schuett, Fellows, Fontneau, Grote, M. O'Brien

Bill Sponsors:

Rep. L. Ober
Rep. Emerick

Rep. McGuire
Sen. Carson

Rep. Weyler

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

HB 137 relative to the rulemaking authority of the department of information technology vendors. (1:20/2:00)

Rep. McGuire, bill sponsor, introduced the bill and spoke in support.

Rep. McGuire said exempts DOiT from the usual rule making for standards and protocols for information, telephone and cybersecurity. She said that to put such rules into the usual format would make them unintelligible to the regulated community which would defeat the purpose of rulemaking. Existing standards have been developed in consultation with other departments using information technology and are put into an appropriate and understandable format.

Question - There was a question as to what this difficulty would look like.

Answer - Rep. McGuire said that the rules are in a format developed by lawyers but are used by engineers, meaning that, in effect, each group speaks its own language. She added that the cybersecurity rules should be open to the public.

Denis Goulet, DOiT Commissioner spoke in support.

Mr. Goulet said the Department asked for this language. One reason was that an LBA audit found that the Department should be making rules yet it did not have the authority to do so. This bill passed last year but did not get passed into law. He describes the IT Council that develops IT policy, including cyberpolicy. He also said that the bill makes consistent state governance of telecom by moving it from Department of Safety to DOiT.

Question / Answer - In response to a question, Mr. Goulet said there were changes in the Right to Law know that exempted cybersecurity.

Public hearing adjourned at 2:00 p.m.

Respectfully submitted by,
Rep. John Sytek
Committee Clerk

Public Hearing FEB 8 2021
Rep. J Sytek Comm Clerk

HB 137 relative to the rulemaking authority of the department of information technology. vendors. (1:20/2:00)

Rep. McGuire introduced the bill and spoke in support. She said exempts DOiT from the usual rule making for standards and protocols for information, telephone and cybersecurity. She said that to put such rules into the usual format would make them unintelligible to the regulated community which would defeat the purpose of rulemaking. Existing standards have been developed in consultation with other departments using information technology and are put into an appropriate and understandable format. There was a question as to what this difficulty would look like, Rep. McGuire said that the rules are in a format developed by lawyers but are used by engineers, meaning that, in effect, each group speaks its own language. She added that the cybersecurity rules should be open to the public.

>Denis Goulet, DOiT Commissioner spoke in support. He said the Department asked for this language. One reason was that an LBA audit found that the Department should be making rules yet it did not have the authority to do so. This bill passed last year but did not get passed into law. He describes the IT Council that develops IT policy, including cyberpolicy. He also said that the bill makes consistent state governance of telecom by moving it from Department of Safety to DOiT. In response to a question, Mr. Goulet said there were changes in the Right to Law know that exempted cybersecurity.

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB137 on 2

Support: 2 Oppose: 0 Neutral: 1 Total to Testify: 1

<u>Name</u>	<u>Email Address</u>	<u>Phone</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>§</u>
Goulet, Denis	denis.c.goulet@doit.nh.gov	603.545.5988	State Agency Staff	Myself	Support	Yes (5m)	2
Carson, Sharon	sharon.carson@leg.state.nh.us	603.271.1403	An Elected Official	Senate District 14	Support	No	1
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Neutral	No	2

Testimony

Bill as
Introduced

HB 137 - AS INTRODUCED

2021 SESSION

21-0221

05/10

HOUSE BILL **137**

AN ACT relative to the rulemaking authority of the department of information technology.

SPONSORS: Rep. L. Ober, Hills. 37; Rep. McGuire, Merr. 29; Rep. Weyler, Rock. 13; Rep. Emerick, Rock. 21; Sen. Carson, Dist 14

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill exempts certain statewide standards and protocols relative to information technology, networks, telephony, and cyber security developed by the department of information technology from rulemaking under RSA 541-A.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough.]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the rulemaking authority of the department of information technology.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Department of Information Technology; Duties of the Commissioner. Amend RSA 21-R:4,
2 XVIII to read as follows:

3 XVIII. Establishing as necessary, after consultation with the information technology council,
4 established under RSA 21-R:6, statewide standards and protocols for information technology,
5 networks, **telephony**, and cyber security, which **shall not be subject to the rulemaking**
6 **requirements under RSA 541-A and** shall be adhered to by all executive branch agencies unless
7 granted a waiver by the commissioner.

8 2 Administrative Procedure Act; Exemptions; Standards and Protocols of the Department of
9 Information Technology. RSA 541-A:21, I(gg) is repealed and reenacted to read as follows:

10 (gg) Statewide standards and protocols developed by the department of information
11 technology in consultation with the information technology council, including those adopted
12 pursuant to RSA 21-R:4, XVIII, relative to information technology, networks, telephony, and cyber
13 security within executive branch agencies.

14 3 Repeal. RSA 21-R:4, XX, relative to development of a telephony services manual by the
15 department of information technology, is repealed.

16 4 Effective Date. This act shall take effect upon its passage.