

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 357,

AN ACT establishing a committee to study the expiration and updating of administrative rules.

Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Dianne Schuett

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Executive Departments and Administration
Bill Number:	HB 357
Title:	establishing a committee to study the expiration and updating of administrative rules.
Date:	February 8, 2021
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill was drafted to create a study committee, which legislative leadership has recommended limiting this term. Therefore, the committee voted unanimously to kill this bill. However, since administrative rules are the purview of the ED&A Committee, it was agreed we will work on some of the issues raised by this in the future.

Vote 19-0.

Rep. Dianne Schuett
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Executive Departments and Administration

HB 357, establishing a committee to study the expiration and updating of administrative rules.
INEXPEDIENT TO LEGISLATE.

Rep. Dianne Schuett for Executive Departments and Administration. This bill was drafted to create a study committee, which legislative leadership has recommended limiting this term.

Therefore, the committee voted unanimously to kill this bill. However, since administrative rules are the purview of the ED&A Committee, it was agreed we will work on some of the issues raised by this in the future. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

Archived: Tuesday, April 20, 2021 9:30:58 AM
From: [Carol McGuire](#)
Sent: Tuesday, February 9, 2021 10:13:53 AM
To: [Miriam Simmons](#); [Pam Smarling](#)
Subject: updated committee report - please use
Response requested: No
Importance: Normal

HB 357

This bill was drafted to create a study committee, which legislative leadership has determined will not be allowed for this term. Therefore, the committee voted unanimously to kill this bill. However, since administrative rules are the purview of the ED&A committee, it was agreed we will work on some of the issues raised by this bill when such work is allowed.

Rep. Dianne E. Schuett for the committee

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on HB 357

BILL TITLE: establishing a committee to study the expiration and updating of administrative rules.

DATE: February 8, 2021

LOB ROOM: Remote / Hybrid

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Schuett

Seconded by Rep. Schultz

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 # HB 357

BILL TITLE: ESTABLISHING A COMMITTEE TO STUDY THE EXPIRATION AND UPDATING ADMINISTRATIVE RULES,

DATE: 2-9-21

LOB ROOM: 206-208

MOTION: (Please check one box)

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

Moved by Rep. SCHWETT Seconded by Rep. SCHULTZ Vote: 19-0

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: _____

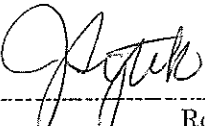
MOTION: (Please check one box)

- 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: YES _____ NO

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

Respectfully submitted:  _____
Rep. John Sytek, Clerk



2021 SESSION

Executive Departments and Administration

Bill #: HB 357 Motion: ITL 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		
Jeudy, 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 357

BILL TITLE: establishing a committee to study the expiration and updating of administrative rules.

DATE: February 8, 2021

LOB ROOM: LOB Hybrid **Time Public Hearing Called to Order:** 2:00 p.m.

Time Adjourned: 2:25 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. Spillane
Rep. Roy
Rep. Weyler

Rep. McGuire
Rep. Nunez

Rep. Bershtein
Rep. Burt

TESTIMONY

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

HB 357 establishing a committee to study the expiration and updating of administrative rules. (2:00/2:25)

Rep. Spillane introduced the bill and spoke in support.

He said that his goal in this bill to better handle administrative rules by ensuring that they are updated before they expire. He saw at a conference (ALEC, in answer to a question) 3 years ago, a software package that would serve notice about when rules were to expire and make an alert for rules that had not been updated for a period of time.

He pointed out that expired rules were no longer effective. He felt that a study committee could examine these issues. In **answer to a question of the Chair, Rep. McGuire** said that we were not establishing study committees this year.

She added that this matter is completely within the charter of the ED&A Committee so it can study the matter on its own initiative without the necessity of legislation.

She said our options were to retain or to ITL the bill.

Questions and discussion continued concerning the expiration of rules, the need for timely notice, what other states with administrative rules were doing.

Comment - Rep. McGuire said she had a concern about smaller boards with fewer rules; that they can overlook their expirations dates; that OPLC now has a central rule making role.

Public hearing adjourned at 2:25 p.m.

Respectfully submitted by,
Rep. John Sytek
Committee Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS & ADMINISTRATION

PUBLIC HEARING on Bill # HB 357

BILL TITLE: ESTABLISHING A COMMITTEE TO STUDY THE EXPIRATION AND
UPDATING OF ADMINISTRATIVE RULES

DATE: 2-8-21

ROOM: 206-208
LOB

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(please circle if present)

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

TESTIMONY

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**Public Hearing
FEB 8, 2021
Rep Sytek, Comm Clerk**

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**Respectfully submitted by,
Rep. John Sytek
Committee Clerk**

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB357 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>
Spillane, James	james@jamesspillane.org	603.463.5623	An Elected Official	Rockingham 2 - Prime Sponsor	Support	Yes (3m)	2
Rathbun, Eric	ericrathbun@gmail.com	860.912.3751	A Member of the Public	Myself	Support	No	2
Mobley, Marty	martha.v.mobley@ins.nh.gov	2712805	State Agency Staff	Insurance Department	Neutral	No	1

Testimony

Bill as
Introduced

HB 357 - AS INTRODUCED

2021 SESSION

21-0346

10/05

HOUSE BILL **357**

AN ACT establishing a committee to study the expiration and updating of administrative rules.

SPONSORS: Rep. Spillane, Rock. 2; Rep. McGuire, Merr. 29; Rep. Bershtein, Rock. 2; Rep. Roy, Rock. 32; Rep. Nunez, Hills. 37; Rep. Burt, Hills. 39; Rep. Weyler, Rock. 13

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a committee to study the expiration and updating of administrative rules.

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 establishing a committee to study the expiration and updating of administrative rules.

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

1 1 Committee Established. There is established a committee to study the expiration and
2 updating of administrative rules.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

5 (a) Four members of the house of representatives, appointed by the speaker of the house
6 of representatives.

7 (b) Two members of the senate, appointed by the president of the senate.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties. The committee shall determine how many administrative rules in the published rules
11 of state agencies are no longer in effect because they have not been renewed on time and shall study
12 the procedure for purging those rules. The committee shall determine the most appropriate way for
13 administrative rules to be updated under RSA 541-A to ensure that they are always current and
14 enforceable.

15 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from
16 among the members. The first meeting of the committee shall be called by the first-named house
17 member. The first meeting of the committee shall be held within 45 days of the effective date of this
18 section. Four members of the committee shall constitute a quorum.

19 5 Report. The committee shall report its findings and any recommendations for proposed
20 legislation to the speaker of the house of representatives, the president of the senate, the house
21 clerk, the senate clerk, the governor, and the state library on or before November 1, 2021.

22 6 Effective Date. This act shall take effect upon its passage.