

REGULAR CALENDAR

April 27, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Executive Departments and Administration to which was referred SB 358,

AN ACT establishing October 2022 as eczema awareness month. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Carol McGuire

FOR THE MAJORITY OF THE COMMITTEE

**MAJORITY
COMMITTEE REPORT**

Committee:	Executive Departments and Administration
Bill Number:	SB 358
Title:	establishing October 2022 as eczema awareness month.
Date:	April 27, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS WITH AMENDMENT 2022-1645h

STATEMENT OF INTENT

This bill, with the amendment that totally replaces the original language, revises the Joint Legislative Committee on Administrative Rules to be 15 members, rather than 10, and divides them into three groups which each review a third of the rules. This has three significant advantages. First, the division structure means that the workload of each member is only 1/3 of that current, which will help with recruitment and retention. Members will be able to read more of the rules and study them more thoroughly. Second, increasing the size of the committee means that more members of the House will be aware of the rule-making process, and the scope and authority of rules. The committee hopes this will lead to more careful delegation of rulemaking authority and better understanding of rules. Finally, having more members from different backgrounds will enable the committee to understand the rules better, since they will have a broader understanding of the affected areas and more familiarity with the statutes involved. The staff performs yeoman's work in analyzing the compliance with legislative intent, but in some cases the intent is not obvious to them. In others, there are differences of opinion on what a statute implies, or conflicts between various statutes, and having the legislative members familiar with the context will be invaluable. I don't believe this will apply very often, but when it does, it will be important.

Vote 14-5.

Rep. Carol McGuire
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

SB 358, establishing October 2022 as eczema awareness month. MAJORITY: OUGHT TO PASS WITH AMENDMENT. MINORITY: INEXPEDIENT TO LEGISLATE.

Rep. Carol McGuire for the **Majority** of Executive Departments and Administration. This bill, with the amendment that totally replaces the original language, revises the Joint Legislative Committee on Administrative Rules to be 15 members, rather than 10, and divides them into three groups which each review a third of the rules. This has three significant advantages. First, the division structure means that the workload of each member is only 1/3 of that current, which will help with recruitment and retention. Members will be able to read more of the rules and study them more thoroughly. Second, increasing the size of the committee means that more members of the House will be aware of the rule-making process, and the scope and authority of rules. The committee hopes this will lead to more careful delegation of rulemaking authority and better understanding of rules. Finally, having more members from different backgrounds will enable the committee to understand the rules better, since they will have a broader understanding of the affected areas and more familiarity with the statutes involved. The staff performs yeoman's work in analyzing the compliance with legislative intent, but in some cases the intent is not obvious to them. In others, there are differences of opinion on what a statute implies, or conflicts between various statutes, and having the legislative members familiar with the context will be invaluable. I don't believe this will apply very often, but when it does, it will be important. **Vote 14-5.**

Original: House Clerk

Cc: Committee Bill File

REGULAR CALENDAR

April 27, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Executive Departments and Administration to which was referred SB 358,

AN ACT establishing October 2022 as eczema awareness month. Having considered the same, and being unable to agree with the Majority, report with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Peter Schmidt

FOR THE MINORITY OF THE COMMITTEE

**MINORITY
COMMITTEE REPORT**

Committee:	Executive Departments and Administration
Bill Number:	SB 358
Title:	establishing October 2022 as eczema awareness month.
Date:	April 27, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

In this non-germane amendment to SB 358, the Executive Departments and Administration (ED&A) majority proposes a radical reworking of the administrative rules statute, which the committee minority cannot accept. We reject this undertaking for numerous reasons, both procedural and substantive, but most especially because the underlying principle of the joint legislative committee on administrative rules (JLCAR) is to act as a ministerial gatekeeper over such rules, based on their appropriateness to correctly implement the statutes enacted by the legislature, neither exceeding legislative authority, nor violating legislative intent. However, the express purpose of the majority amendment is to expand the JLCAR, creating three divisions so as to have greater policy expertise, which specifically contradicts and violates the non-policy function for which it was created. The policy decision has already been rendered by the enactment of the statute(s); it is now the executive branch's constitutional function to implement and carry out these laws. The JLCAR's sole responsibility and function is to ensure that there is no executive overreach or violation embedded in the administrative rules. It is not a policy committee to rehash the statutes. In addition, it is clear to the committee minority that the vetting process of this restructuring has been woefully inadequate, lacking analysis and clear understanding of the ramifications of the proposal as to staffing, committee membership, and general workability, to name but a few of the most egregious defects and deficiencies. Expert testimony challenging the fundamental premise of this restructuring and the purported need for it was ignored.

Rep. Peter Schmidt
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Executive Departments and Administration

SB 358, establishing October 2022 as eczema awareness month. **INEXPEDIENT TO LEGISLATE.** Rep. Peter Schmidt for the **Minority** of Executive Departments and Administration. In this non-germane amendment to SB 358, the Executive Departments and Administration (ED&A) majority proposes a radical reworking of the administrative rules statute, which the committee minority cannot accept. We reject this undertaking for numerous reasons, both procedural and substantive, but most especially because the underlying principle of the joint legislative committee on administrative rules (JLCAR) is to act as a ministerial gatekeeper over such rules, based on their appropriateness to correctly implement the statutes enacted by the legislature, neither exceeding legislative authority, nor violating legislative intent. However, the express purpose of the majority amendment is to expand the JLCAR, creating three divisions so as to have greater policy expertise, which specifically contradicts and violates the non-policy function for which it was created. The policy decision has already been rendered by the enactment of the statute(s); it is now the executive branch's constitutional function to implement and carry out these laws. The JLCAR's sole responsibility and function is to ensure that there is no executive overreach or violation embedded in the administrative rules. It is not a policy committee to rehash the statutes. In addition, it is clear to the committee minority that the vetting process of this restructuring has been woefully inadequate, lacking analysis and clear understanding of the ramifications of the proposal as to staffing, committee membership, and general workability, to name but a few of the most egregious defects and deficiencies. Expert testimony challenging the fundamental premise of this restructuring and the purported need for it was ignored.

Original: House Clerk
Cc: Committee Bill File

Amendment to SB 358

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to the joint legislative committee on administrative rules.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Administrative Procedure Act; Definitions; Committee. Amend RSA 541-A:1, III to read as
8 follows:

9 III. "Committee" means the joint legislative committee on administrative rules, *as well as*
10 *the divisions of said committee*, unless the context clearly indicates otherwise.

11 *III-a. "Entire committee" shall mean the entirety of the appointed regular members*
12 *of the joint legislative committee on administrative rules.*

13 2 Administrative Procedure Act; Joint Legislative Committee on Administrative Rules. Amend
14 RSA 541-A:2, I and II to read as follows:

15 I. There is hereby created a joint legislative committee to be known as the joint legislative
16 committee on administrative rules. The committee shall be composed of ~~[10]~~ 15 members of the
17 general court and ~~[10]~~ 15 alternates to be appointed for 2-year terms ending on the first Wednesday
18 in December of even-numbered years as follows: ~~[5]~~ 9 members of the house of representatives,
19 appointed by the speaker of the house in consultation with the minority leader, not more than ~~[3]~~ 5
20 of whom shall be from the same party; ~~[5]~~ 6 members of the senate, appointed by the senate
21 president in consultation with the minority leader, not more than ~~[3]~~ 4 of whom shall be from the
22 same party; ~~[5]~~ 9 alternate members of the house of representatives appointed by the speaker of the
23 house in consultation with the minority leader, not more than ~~[3]~~ 5 of whom shall be from the same
24 party; and ~~[5]~~ 6 alternate members of the senate, appointed by the senate president in consultation
25 with the minority leader, not more than ~~[3]~~ 4 of whom shall be from the same party. If a member of
26 the committee is unable, for any reason, to attend a meeting or a portion of a meeting of the
27 committee, the chair shall designate an alternate member to serve regardless of the number of other
28 senators or representatives who attend the meeting. The committee shall elect a chair and a vice-
29 chair from among its members, provided that the chair shall rotate biennially between the house and
30 senate members.

31 II. The joint legislative committee on administrative rules shall *be divided into 3*
32 *divisions, each consisting of 2 senators and 3 members of the house, with an equal number*

Amendment to SB 358

- Page 2 -

1 *of alternates. A quorum of a division shall be 3 members. Each division shall meet*
2 *separately to conduct its business, and have the authority of the full committee, except that*
3 *a joint resolution resulting from a final objection shall be approved by the entire*
4 *committee. Each division shall* meet at least once each month and more often as necessary for
5 the prompt discharge of its duties. The director of legislative services shall provide services to the
6 committee. The joint legislative committee on administrative rules shall adopt rules to govern its
7 operation and organization. [~~A quorum of the committee shall consist of 6 members.~~] Members of
8 the committee shall be entitled to legislative mileage as provided to members for attendance at
9 sessions of the general court.

10 3 Administrative Procedures Act; Review by the Joint Legislative Committee on Administrative
11 Rules; Entire Committee for Final Objection Required. Amend RSA 541-A:13, VII to read as follows:

12 VII.(a) The provisions of this paragraph may be used by the *entire* committee as an
13 alternative to or in addition to the final objection procedure employed by the committee in paragraph
14 V.

15 (b) If an agency responds to a preliminary or revised objection but the basis for objection
16 has not been removed or the response creates a new basis for objection, the *entire* committee may,
17 within 50 days from the date on which the objection response was due and by majority vote of the
18 entire committee, recommend legislative action through sponsorship of a joint resolution to
19 implement its recommendation. Such vote shall prevent the rule from being adopted and filed by the
20 agency for the period of time specified in subparagraph VII(c).

21 (c) If the *entire* committee votes to sponsor a joint resolution pursuant to subparagraph
22 VII(b), the joint resolution shall be introduced in the house of representatives or senate within 20
23 business days of such vote when the general court is in session and 20 business days of the start of
24 the following legislative session if such vote occurs when the general court is not in session. If a joint
25 resolution is not introduced within this time frame, the agency may adopt the rule. If a joint
26 resolution is introduced within this time frame, the agency shall be prevented from adopting and
27 filing such rule until final legislative action is taken on the resolution or the passage of 90
28 consecutive calendar days during which the general court shall have been in session, whichever
29 occurs first. The 90 calendar day period shall commence on the date such joint resolution has been
30 introduced. If the session of the general court adjourns prior to the sixtieth calendar day after such
31 joint resolution has been introduced, then the agency shall be prevented from adopting and filing
32 such rule until 90 calendar days, beginning with the next session of the general court, have passed.

33 (d) The provisions of this paragraph shall apply to only the specific portion of the
34 agency's rule identified in the joint resolution. The provisions of this paragraph shall not prevent an
35 agency from adopting and filing the remainder of the rules in the final proposal under RSA 541-A
36 while the *entire* committee pursues legislative action under this paragraph, nor shall it prevent the
37 committee from also voting to enter a final objection pursuant to paragraph V.

Amendment to SB 358

- Page 3 -

1 (e) Nothing in this section shall prevent the general court from introducing legislation
2 which addresses any matter included in a joint resolution introduced under the provisions of this
3 section.

4 (f) Notwithstanding any house or senate rules to the contrary, a joint resolution which
5 the *entire* committee votes to sponsor under subparagraph VII(b) may be introduced at any time
6 during the legislative session. It shall be subject to the same rules as any other bill introduced at
7 the beginning of the legislative session.

8 4 **Effective Date.** This act shall take effect 60 days after its passage.

Amendment to SB 358

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2022-1645h

AMENDED ANALYSIS

This bill increases the number of members and alternate members on the joint legislative committee on administrative rules, as well as establishes three equal divisions within the committee and specify that a final objection shall only be entered into by the entirety of the regular members on the committee.

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 358

BILL TITLE: establishing October 2022 as eczema awareness month.

DATE: April 25, 2022

LOB ROOM: 302 - 304

MOTIONS: OUGHT TO PASS WITH AMENDMENT

Moved by Rep. McGuire

Seconded by Rep. S. Pearson

AM Vote: 14-5

Amendment # 2022-1645h

Moved by Rep. McGuire

Seconded by Rep. S. Pearson

Vote: 14-5

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Jaci Grote, Acting Clerk



2022 SESSION

Executive Departments and Administration

Bill #: SB3508 Motion: OTPA AM #: 1645 Exec Session Date: 1/25

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓		
Rhodes, Jennifer M. Vice Chairman	✓		
Sytek, John Clerk	✓		
Pearson, Stephen C.	✓		
Yakubovich, Michael	✓		
Lekas, Tony	✓		
Alliegro, Mark C.	✓		
Bailey, Glenn	✓		
Lanzara, Tom E.	✓		
Santonastaso, Matthew	✓		
Goley, Jeffrey P.	✓		
Schuett, Dianne E.		✓	
Jeudy, Jean L.	✓		
Schmidt, Peter B.		✓	
Marsh, William M.		✓	
Fellows, Sallie D.		✓	
Fontneau, Timothy J.		✓	
Grote, Jaci L.	✓		
O'Brien, Michael B.	✓		
TOTAL VOTE:	14	5	



2022 SESSION

Executive Departments and Administration

Bill #: SB358 Motion: adopt amendment AM #: 1645 Exec Session Date: 4/25

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓		
Rhodes, Jennifer M. Vice-Chairman			
Sytek, John Clerk	✓		
Pearson, Stephen C.	✓		
Yakubovich, Michael	✓		
Lekas, Tony	✓		
Alliegro, Mark C.	✓		
Bailey, Glenn	✓		
Lanzara, Tom E.	✓		
Santonastaso, Matthew	✓		
Goley, Jeffrey P.	✓		
Schuett, Dianne E.		✓	
Judy, Jean L.	✓		
Schmidt, Peter B.		✓	
Marsh, William M.		✓	
Fellows, Sallie D.		✓	
Fontneau, Timothy J.		✓	
Grote, Jaci L.	✓		
O'Brien, Michael B.	✓		
TOTAL VOTE:	14	5	

Merner

Plett

Jolsom

Gymalo

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 358

BILL TITLE: establishing October 2022 as eczema awareness month.

DATE: May 12, 2022

LOB ROOM: 306 **Time Public Hearing Called to Order:** 1:45pm

Time Adjourned: 2:23pm

Committee Members: Reps. McGuire, Rhodes, Sytek, S. Pearson, Yakubovich, T. Lekas, Alliegro, Bailey, Lanzara, Santonastaso, Goley, Schuett, Jeudy, P. Schmidt, Marsh, Fellows, Fontneau, Grote and O'Brien

Bill Sponsors:

Sen. Carson

Sen. Cavanaugh

Rep. Dolan

Rep. Lundgren

Rep. Thomas

Rep. Baldasaro

TESTIMONY

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

Ms. Chantell Wheeler for Senator Sharon Carson SC14

- Supports bill

Rep. Pearson

- Question: Has Senator Carson asked for proclamation?
- Answer: Does not know.

Rep. Carol McGuire - Merrimack 29

- Non Germain amendment 2022-1229h
- Came out of discussion HB1395 TELCA project
- Increases number of people and divides into 3
- Lack knowledge in areas other than ED&A

Rep. Lekas

- Divisions handle what it objects - at discretion of chair - standing committees

Rep. Pearson

- 20% of Senate committed - line 29 for body for study committee - received amendment

Rep. Fellows

- Scope of each division - reappointment to TLCA - based on expertise and not all from ED&A.

Grey

- % of existing rules

Speaker Packard

- That's impossible task, move realistic and reasonable start
- Next step might be a review of what is needed
- Look at fiscal committee format
- His is open to ratio

Rep. Peter B Schmidt - Strafford 19

- Opposes bill
- TCLAR vets the rules of department heads
- Rule cannot exceed legislative art.
- Rule cannot violate legislative intent.

Rep. Pearson

Committees vetting rules - this is not on the bill

Respectfully submitted,

Rep. John Sytek, Clerk

House Remote Testify

Executive Departments and Administration Committee Testify List for Bill SB358 on 2022-04-12

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

[Export to Excel](#)

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Cavanaugh, Senator Kevin	Manchester, NH kevin.cavanaugh@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/30/2022 1:59 PM
Osborne, Jason	Auburn, NH houserepoffice@leg.state.nh.us	An Elected Official	Myself	Support	No	Yes	4/12/2022 9:29 AM

SB 358 - AS INTRODUCED

2022 SESSION

22-3029
05/08

SENATE BILL **358**

AN ACT establishing October 2022 as eczema awareness month.

SPONSORS: Sen. Carson, Dist 14; Sen. Cavanaugh, Dist 16; Rep. Dolan, Rock. 5; Rep. Lundgren, Rock. 5; Rep. Thomas, Rock. 5; Rep. Baldasaro, Rock. 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes October 2022 as eczema awareness month.

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 Two

AN ACT establishing October 2022 as eczema awareness month.

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

- 1 1 Eczema Awareness Month. The governor shall proclaim October 2022 to be eczema awareness
- 2 month in order to raise awareness of the disease, the burden it places on patients and caregivers,
- 3 and the need for care and treatment that is reflective of the multi-dimensional nature of the disease.
- 4 The governor shall urge the citizens of the state to observe the month with appropriate activities and
- 5 events.
- 6 2 Effective Date. This act shall take effect 60 days after its passage.