

Rep. C. McGuire, Merr. 27  
February 22, 2023  
2023-0648h  
05/10

Amendment to HB 358

1 Amend the bill by replacing section 3 with the following:

2

3 3 New Paragraph; Rulemaking Register. Amend RSA 541-A:9 by inserting after paragraph II  
4 the following new paragraph:

5 III. The rulemaking register shall be sent by email to all members of the general court.

6

7 Amend the bill by replacing all after section 15 with the following:

8

9 16 New Subparagraph; Filing Final Proposal. Amend RSA 541-A:12, II by inserting after  
10 subparagraph (d) the following new subparagraph:

11 (e) A report of public comments received on the rule and an explanation of how they  
12 were addressed in the final rule.

13 17 Final Adoption. Amend RSA 541-A:14, I(a) to read as follows:

14 (a) The passage of [~~45~~] 60 days from filing of a final proposal under RSA 541-A:12, I, or  
15 60 days from filing under RSA 541-A:12, I-a, without receiving notice of objection from the  
16 committee;

17 18 Effective Date. This act shall take effect 60 days after its passage.

HB 358 - AS INTRODUCED

2023 SESSION

23-0226

05/10

HOUSE BILL           **358**

AN ACT               relative to the filing and adoption of proposed administrative rules.

SPONSORS:       Rep. C. McGuire, Merr. 27; Rep. Layon, Rock. 13; Sen. Lang, Dist 2; Sen. Ward,  
Dist 8

COMMITTEE:      Executive Departments and Administration

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ANALYSIS

This bill makes various changes to the procedures for the filing and adoption of proposed administrative rules. The bill is a request of the joint legislative committee on administrative rules.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Three*

AN ACT relative to the filing and adoption of proposed administrative rules.

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

1 1 Administrative Procedure Act; Definition of Form. Amend RSA 541-A:1, VII-a to read as  
2 follows:

3 VII-a. "Form" means a document, ~~[that establishes a requirement for]~~ ***whether hardcopy***  
4 ***or electronic, with blank spaces for insertion of required or optional information, which***  
5 ***must be submitted to the agency by*** persons outside the agency, ~~[to provide information to an~~  
6 ~~agency and the format in which such information must be submitted. The term does not include any~~  
7 ~~document, regardless of what the document is called, that (a) is provided by an agency to facilitate~~  
8 ~~the submission of information that is required to be submitted to the agency by federal or state~~  
9 ~~statute, regulation, or rule and does not add to or modify such requirement or (b) that is used only by~~  
10 ~~the agency to provide information to persons outside the agency]~~ ***such as, but not limited to,***  
11 ***licensing applications, petitions, or requests. The term does not include a document that is***  
12 ***called a form by the agency but which does not have blank spaces for insertion of***  
13 ***information by persons outside the agency.***

14 2 Fiscal Impact Statements. Amend RSA 541-A:5, VI to read as follows:

15 VI. Agencies shall also obtain an amended fiscal impact statement from the legislative  
16 budget assistant ~~[only]~~ if as a result of notice and hearing a change has been made which affects the  
17 original fiscal impact statement ***or to correct an error in the original fiscal impact statement.***  
18 Agencies shall file the amended fiscal impact statement as part of the final proposal pursuant to  
19 RSA 541-A:12, II.

20 3 Filing of Proposed Rule Text; Establishing and Revising Text. Amend RSA 541-A:10, I to read  
21 as follows:

22 I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the  
23 text of the proposed rule with the director of legislative services. ***The first time a rule is proposed***  
24 ***under RSA 541-A:3 to implement newly-enacted state authority, the agency shall send an***  
25 ***electronic copy of the notice and proposed rule to the chair of each house and senate***  
26 ***standing policy committee, as defined in RSA 541-A:1, XVI, for distribution to the members***  
27 ***of such standing policy committees. "Newly-enacted state authority" means a state statute***  
28 ***or session law adopted or amended after July 30, 2023. If the newly-enacted state authority***  
29 ***was not referred originally to a standing policy committee, the agency shall send an***  
30 ***electronic copy of the notice and proposed rule to the speaker of the house and senate***  
31 ***president for appropriate distribution. The chair of the standing policy committee***

1 *receiving proposed rules shall review the proposed rules, in consultation with the members*  
 2 *of the standing policy committee, to determine whether the proposed rule is consistent with*  
 3 *the intent of the authorizing legislation. If a standing policy committee concludes that the*  
 4 *proposed rule is not consistent with the intent of the authorizing legislation, the standing*  
 5 *policy committee shall send written notice to the agency, with a copy to the director of*  
 6 *legislative services, identifying the provision or provisions the committee believes to be*  
 7 *inconsistent with legislative intent. Such written notice may be sent to the agency via e-*  
 8 *mail and shall be delivered so as to be received by the agency no later than the deadline for*  
 9 *public comments specified in the rulemaking notice. The director of legislative services*  
 10 *shall provide a form which may be used by the chairs of the standing policy committees to*  
 11 *facilitate written notice back to the agency and the director of legislative services on the*  
 12 *chair's determination regarding consistency with legislative intent. If the agency does not*  
 13 *receive notice from any standing policy committee by the end of the public comment period,*  
 14 *the agency may proceed without conclusion from the standing policy committee on*  
 15 *consistency with legislative intent.* The text of each proposed rule filed shall encompass at least  
 16 a full rules section. The text of the proposed rules as filed by the agency pursuant to RSA 541-A:3,  
 17 III shall not be changed prior to the hearing held pursuant to RSA 541-A:11, I(a).

18 4 New Paragraph; Filing of Final Proposal. Amend RSA 541-A:12 by inserting after paragraph  
 19 II the following new paragraph:

20 II-a. The agency shall file with the final proposal a copy of any draft, new, or amended form,  
 21 or screenshot, mock-up, or prototype of an electronic-only form, which has been incorporated by  
 22 reference in the final proposed rule or whose requirements are set forth in the final proposed rule  
 23 pursuant to RSA 541-A:19-b.

24 5 Review by the Joint Legislative Committee on Administrative Rules; Basis for Objection.  
 25 Amend RSA 541-A:13, IV(c) to read as follows:

26 (c) Determined not to be in the public interest; *including the existence of substantive*  
 27 *inconsistencies between a form and the rule where the form is incorporated by reference or*  
 28 *which sets forth the requirements of the form, pursuant to RSA 541-A:19-b;* or

29 6 Final Adoption. Amend RSA 541-A:14, III to read as follows:

30 III. The agency shall file [~~all adopted rules~~] with the director of legislative services *all*  
 31 *adopted rules and any related new or amended form, or screenshot, mock-up, or prototype*  
 32 *of an electronic-only form, which the rules incorporate by reference or whose requirements*  
 33 *are set forth in the rules pursuant to RSA 541-A:19-b.*

34 7 Publication of Rules. Amend RSA 541-A:15, I and I-a to read as follows:

35 I. The director of legislative services shall compile, index, and publish[~~, or require agencies~~  
 36 ~~to publish,~~] all effective rules adopted by each agency. The text of an adopted rule as filed with the  
 37 director and which is effective shall *then* be the official version of the rule[~~].~~ *The director shall*

1 *publish the adopted rule text online in a format as determined by the director. The agency*  
 2 *shall be notified when the text is published. The agency shall then have 120 days to*  
 3 *confirm that the published rule is accurate. If* [~~unless or until a version prepared for~~  
 4 ~~publication, which may have~~] *editorial changes not affecting the substance of the rule*[~~, is certified by~~  
 5 ~~the agency as the same in substance as originally filed.~~] *are needed, or an error in the*  
 6 *publishing process is identified, then the agency shall notify the director, and such*  
 7 *changes shall be made by the director and certified by the agency that it is the same in*  
 8 *substance as originally filed. If the agency does not notify the director within the 120-day*  
 9 *deadline, then it will be presumed that the agency has reviewed the published language*  
 10 *and agreed that it is the certified version.* The certified version shall *then* be the official  
 11 version. Both the adopted rule as-filed and as-certified may be an electronic document and still be  
 12 the official version if in compliance with RSA 541-A:1, V-a and VI and the drafting and procedure  
 13 manual for administrative rules under RSA 541-A:8. The official version of the rule shall be  
 14 available to the public by the agency and the director pursuant to RSA 541-A:14, IV *as described in*  
 15 *the drafting and procedure manual under RSA 541-A:8.*

16 I-a. [~~The director shall send the text of a rule to be certified to the agency adopting the rule.~~  
 17 ~~The agency shall certify the rule under paragraph I within 120 days of receiving the first edited~~  
 18 ~~text.] The 120-day deadline *in paragraph I* shall not apply to interim rules or emergency rules. A  
 19 copy of each rule as filed and each as certified shall be sent by the director to the state library and  
 20 the New Hampshire law library at the supreme court.~~

21 8 Rules; Filing Required. Amend RSA 541-A:16, III to read as follows:

22 III. A rule shall become effective as of 12:01 a.m. on the day after the filing of the adopted  
 23 rule or as of 12:01 a.m. on the date specified by the agency pursuant to RSA 541-A:14, IV, RSA 541-  
 24 A:14-a, III, or RSA 541-A:19, X, or such other *later* date [~~and time~~] as specified, provided that filing  
 25 occurs before such effective date and time. Except as provided in RSA 541-A:14-a, a rule adopted  
 26 under RSA 541-A:14, IV shall expire after the last day of the tenth year following its becoming  
 27 effective, unless sooner amended, readopted, or repealed.

28 9 New Paragraph; Interim Rules. Amend RSA 541-A:19 by inserting after paragraph IV the  
 29 following new paragraph:

30 IV-a. The agency shall file with the proposed interim rule a copy of any related new or  
 31 amended form, or screen shots, mock-up, or prototype of an electronic-only form, which has been  
 32 incorporated by reference in the proposed interim rule or whose requirements are set forth in the  
 33 proposed interim rule pursuant to RSA 541-A:19-b.

34 10 Interim Rules; Basis for Objection. Amend RSA 541-A:19, VII(c) to read as follows:

35 (c) Determined not to be in the public interest, *including the existence of substantive*  
 36 *inconsistencies between a form and the rule where the form is incorporated by reference or*  
 37 *which sets forth the requirements of the form, pursuant to RSA 541-A:19-b; or*

1 11 Interim Rules; Response to Conditional Approval. Amend RSA 541-A:19, VIII(b) to read as  
2 follows:

3 (b) If the committee objects to the proposed interim rule as filed, it shall so inform the  
4 agency. In lieu of an objection, and with or without a written request under subparagraph (a), the  
5 committee may vote to conditionally approve the rule with an amendment, provided that the  
6 committee specified in its conditional approval the language of the amendment to address the basis  
7 for a preliminary objection. The committee shall notify the agency in writing of its conditional  
8 approval. Within 14 days of the meeting, **or in the case of a board or commission, 7 days**  
9 **following its regularly scheduled meeting**, the agency shall submit a written explanation to the  
10 committee in the form of a letter and an annotated text of the final proposed rule detailing how the  
11 rule has been amended in accordance with the conditional approval. The written explanation shall  
12 be signed by the individual holding rulemaking authority, or, if a body of individuals holds  
13 rulemaking authority, by a voting member of that body, provided that a quorum of the body has  
14 approved. Failure to submit a written explanation in accordance with the conditional approval and  
15 this paragraph shall cause the conditional approval to be deemed a committee vote to make a  
16 preliminary objection on the date of the conditional approval. If the committee legal counsel  
17 determines that the agency has amended the rule in accordance with the conditional approval and  
18 this paragraph, the committee legal counsel shall promptly send written confirmation of compliance  
19 to the agency. The agency may then adopt the rule as amended.

20 12 Interim Rules. Amend RSA 541-A:19, X to read as follows:

21 X. No proposed interim rule shall be adopted unless the committee has voted to approve the  
22 proposed interim rule or conditionally approve the proposed interim rule, provided that the  
23 committee legal counsel has sent written confirmation to the agency pursuant to RSA 541-A:19,  
24 VIII(b). An adopted interim rule **and any new or amended form, or screenshot, mock-up, or**  
25 **prototype of an electronic-only form, which the rule incorporates by reference or the**  
26 **requirements for which are set forth in the rule pursuant to RSA 541-A:19**, shall be filed with  
27 the director of legislative services no later than 30 days following committee approval or conditional  
28 approval **or in the case of a board or commission, 7 days following its next regularly**  
29 **scheduled meeting after committee approval or conditional approval**. An interim rule shall  
30 be effective under RSA 541-A:16, III on the day after filing with the director of legislative services, or  
31 at a later date, provided the agency so specifies in a letter to the director of legislative services and  
32 the effective date is within 30 days following committee approval or conditional approval. Interim  
33 rules shall be effective for a period not to exceed 180 days. During the time an interim rule shall be  
34 in effect, the agency may propose a permanent rule to replace the interim rule once it expires, but it  
35 shall not adopt another interim rule to replace the expiring interim rule.

36 13 Adoption of Forms. Amend RSA 541-A:19-b to read as follows:

1 541-A:19-b Adoption of Forms. An agency may adopt a form as defined in RSA 541-A:1, VII-a,  
2 **either** by incorporating the actual form by reference **in a rule**, or by setting forth the requirements  
3 of the form in rules, adopted according to the procedures in this chapter **and in compliance with**  
4 **the drafting and procedure manual pursuant to RSA 541-A:8. No new or amended form**  
5 **shall be effective and enforceable pursuant to RSA 541-A:22, I unless the form has been**  
6 **adopted in accordance with this chapter.**

7 14 Revisions to Forms; Expedited Procedure. Amend RSA 541-A:19-c to read as follows:

8 541-A:19-c Revisions to Forms; Expedited Procedure.

9 I. An agency may make editorial changes to a previously adopted form without following the  
10 procedures required in RSA 541-A:19-b, in this section, or in RSA 541-A:3, **but shall notify the**  
11 **office of legislative services of any proposed editorial changes in accordance with the**  
12 **drafting and procedure manual pursuant to RSA 541-A:8.**

13 II. An agency may revise [~~a form as defined in RSA 541-A:1, VII-a without meeting the~~  
14 ~~requirements of RSA 541-A:5-7]~~ **substantively the requirements on a previously adopted form**  
15 **as defined in RSA 541-A:1, VII-a, and amend the relevant provisions in the rule which set**  
16 **forth the requirements of the form or incorporate the form by reference pursuant to RSA**  
17 **541-A:19-b, without meeting the requirements of RSA 541-A:5, RSA 541-A:6 and RSA 541-A:9-**  
18 **14 [~~either in accordance with RSA 541-A:19-b or]~~ by providing notice and adopting the **amended****  
19 **form in accordance with paragraphs III through VII.**

20 III. Notice of an agency's intent to [~~adopt a form or amendment to a form]~~ **amend a form**  
21 **and amend the relevant, affected rule** shall include:

22 (a) The name and address of the agency.

23 (b) The statutory authority for the form.

24 (c) **The rule number and title of the affected rule to be amended, and whether the**  
25 **action is an amendment or readoption with amendment of the rule as described in the**  
26 **drafting and procedure manual pursuant to RSA 541-A:8.**

27 (d) An explanation of the reason for the proposed [~~adoption or]~~ amendment of a  
28 form **and a summary of the existing, affected rule and the proposed amendment to the form**  
29 **and the rule.**

30 [(d)] (e) The name, address, electronic address, and telephone number of an individual  
31 in the agency able to answer questions about the proposed form.

32 [(e)] (f) The deadline for receipt by the agency of written or electronic public comment,  
33 which shall be no sooner than the 7th calendar day after the date of publication of the notice in the  
34 rulemaking register.

35 **III-a. The amended rule to be filed shall include only those relevant provisions of**  
36 **the rule, as described in the drafting and procedure manual, pursuant to paragraph II,**

1 *and neither the amended form nor the amended rule shall have a fiscal impact which*  
 2 *would otherwise require a fiscal impact statement pursuant to RSA 541-A:5.*

3 IV. The *agency shall file a copy of the amended form, the amended rule including*  
 4 *an appendix pursuant to RSA 541-A:3-a, and* the notice required by paragraph III ~~[shall be filed]~~  
 5 with the director of legislative services, ~~[for publication]~~ *who shall publish the notice* in the  
 6 rulemaking register. ~~[A copy of the form to be adopted shall be filed with the notice.]~~

7 V. If on the basis of public comment the official or the group of individuals with rulemaking  
 8 authority determines that the form should not be ~~[adopted]~~ *amended*, the agency shall so notify the  
 9 director of legislative services and the form shall not be ~~[adopted]~~ *amended*.

10 VI. The proposed form *as amended and amended rule* shall be placed on the agenda of  
 11 the committee for review at the first regularly scheduled or special meeting at least 5 calendar days  
 12 after the close of the period for written or electronic comment described in subparagraph III(e). The  
 13 committee may approve or object to the form. The committee may object to the adoption of the form  
 14 *as amended and the affected rule* if the form is:

15 (a) Beyond the authority of the agency;

16 (b) Contrary to the intent of the legislature; ~~[or]~~

17 (c) *Deemed not to be in the public interest, including the existence of substantive*  
 18 *inconsistencies between the form and the rule where the form is incorporated by reference*  
 19 *or which set forth the requirements of the form pursuant to RSA 541-A:19-b; or*

20 (d) Deemed by the committee not to meet the requirements of this section, *including*  
 21 *existence of a fiscal impact contrary to paragraph III-a.*

22 VII. Subsequent review and adoption of the form *as amended and the affected rule* shall  
 23 be as provided in RSA 541-A:13 for final proposed rules.

24 15 Validity of Rules. Amend RSA 541-A:22, I to read as follows:

25 I. No agency rule, *including a form*, is valid or effective against any person or party, nor  
 26 may it be enforced by the state for any purpose, until it has been filed as required in this chapter and  
 27 has not expired.

28 16 Effective Date. This act shall take effect 60 days after its passage.



**CONSENT CALENDAR**

**March 8, 2023**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Executive Departments and Administration to which was referred HB 358,**

**AN ACT relative to the filing and adoption of proposed administrative rules. 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 COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Executive Departments and Administration</b>
Bill Number:	<b>HB 358</b>
Title:	<b>relative to the filing and adoption of proposed administrative rules.</b>
Date:	<b>March 8, 2023</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT 2023-0648h</b>

### STATEMENT OF INTENT

This bill was a request of the Administrative Rules staff to clarify the process of rulemaking. The committee amendment adds two important, and easy to implement, concepts from HB 274, which was retained for further work. First, it requires the rulemaking register, which lists all the rules coming up for their main public hearing, be sent to all the representatives and senators. This will give everyone notice when rules they are concerned with are ready for comment, so we can ensure the rules meet the legislative intent. It's the regular public comment period, so this won't delay the process unless a problem causes the agency to rewrite the rules. Secondly, agencies must now include in the final approval package a report on the public comments received and how they were addressed in the final rule. This doesn't force the agency to rewrite the rule for the comments, but they must explain why they chose to amend the rule as they did or did not.

Vote 20-0.

Rep. Carol McGuire  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

Executive Departments and Administration

**HB 358**, relative to the filing and adoption of proposed administrative rules. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carol McGuire for Executive Departments and Administration. This bill was a request of the Administrative Rules staff to clarify the process of rulemaking. The committee amendment adds two important, and easy to implement, concepts from HB 274, which was retained for further work. First, it requires the rulemaking register, which lists all the rules coming up for their main public hearing, be sent to all the representatives and senators. This will give everyone notice when rules they are concerned with are ready for comment, so we can ensure the rules meet the legislative intent. It's the regular public comment period, so this won't delay the process unless a problem causes the agency to rewrite the rules. Secondly, agencies must now include in the final approval package a report on the public comments received and how they were addressed in the final rule. This doesn't force the agency to rewrite the rule for the comments, but they must explain why they chose to amend the rule as they did or did not. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File



**HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**PUBLIC HEARING ON HB 358**

**BILL TITLE:** relative to the filing and adoption of proposed administrative rules.

**DATE:** February 1, 2023

**LOB ROOM:** 306-308                      **Time Public Hearing Called to Order:** 11:15 a.m.

**Time Adjourned:** 11:48 a.m.

**Committee Members:** Reps. C. McGuire, Simon, Sirois, T. Lekas, Bailey, Santonastaso, True, T. Dolan, Abare, Gerhard, Grote, P. Schmidt, Goley, Schuett, O'Brien, F. Davis, Fitzpatrick and S. Gould

**Bill Sponsors:**

Rep. C. McGuire  
Sen. Ward

Rep. Layon

Sen. Lang

**TESTIMONY**

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

- Rep. Carol McGuire
  - Merrimack 27
  - Bill is meant to simplify and clarify. There was various clean up to the administrative rules. This bill applies to new rules. Existing rules does not require committee to look at it. Rules must meet legislative intent.
- Rep. Schmidt
  - Strafford 14
  - Spoke in opposition to HB 358. Explained why he believes this bill adds more processes for same outcomes.
- Michael Morrell
  - OLS
  - Here to answer questions.

Respectfully Submitted,

Rep Shane Sirois, Clerk

# House Remote Testify

Executive Departments and Administration Committee Testify List for Bill HB358 on 2  
Support: 3 Oppose: 2 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>
Lang, Senator Tim	Sanbornton, NH kathryn.cummings@leg.state.nh.us	An Elected Official	Senate District 2	Support	No	No
Ward, Senator Ruth	Stoddard, NH Ruth.Ward@leg.state.nh.us	An Elected Official	Myself	Support	No	No
Foss, Carol	Penacook, NH cfoss@nhaudubon.org	A Lobbyist	New Hampshire Audubon	Oppose	No	No
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No
Mobley, Marty	Concord, NH Martha.V.Mobley1@wildlife.nh.gov	State Agency Staff	NH Fish and Game	Oppose	No	No

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

**SUBCOMMITTEE WORK SESSION** on HB 358

**BILL TITLE:** relative to the filing and adoption of proposed administrative rules.

**DATE:** February 21, 2023

**Subcommittee Members:** Reps. Schuett, S. Gould, C. McGuire and O'Brien

**Comments and Recommendations:** Rep mcGuire - page 1 line 23 - needs Amendment - its not ready. Comments re notifications - Mr. Morrell noted on Amendment to RSA 541-H - A:13 could be included. Subcommittee to meet again when Amendment is ready.

Respectfully submitted,

Rep. Dianne Schuett  
Subcommittee Clerk



# New Hampshire Fish and Game Department

**HEADQUARTERS:** 11 Hazen Drive, Concord, NH 03301-6500  
(603) 271-3421  
FAX (603) 271-1438

[www.WildNH.com](http://www.WildNH.com)  
e-mail: [info@wildlife.nh.gov](mailto:info@wildlife.nh.gov)  
TDD Access: Relay NH 1-800-735-2964

## **New Hampshire Fish and Game Department Fish and Game and Marine Resources Committee February 1, 2023**

### **Testimony on HB 358 - relative to the filing and adoption of proposed administrative rules.**

Dear Chair McGuire and House Executive Departments and Administration Committee Members,

Please accept this testimony to express the position of the New Hampshire Fish and Game Commission (Commission) and the New Hampshire Fish and Game Department (Department) to oppose this legislation.

The Department is supportive of the Joint Legislative Committee on Administrative Rules (JLCAR) and their oversight of the rulemaking process. However, we believe the Department, under the authority of the Commission, is best suited for promulgating rules to implement our statutory responsibilities and to further our mission of protecting the state's fish, wildlife, and marine resources along with their habitats.

Our staff are uniquely qualified to understand the science and historical data that serve to inform our decisions around the development of rules to regulate our management of fish and wildlife.

The language in this bill would essentially move the decision on how best to regulate our wild resources out of the Department, away from the science, and place it into the hands of a few legislators.

For these reasons, the Commission and the Department oppose HB 358, and thank you for your consideration.

Respectfully submitted,

Scott Mason  
Executive Director  
NH Fish and Game Department

**REGION 1**  
629B Main Street  
Lancaster, NH 03584-3612  
(603) 788-3164  
FAX (603) 788-4823  
email: [reg1@wildlife.nh.gov](mailto:reg1@wildlife.nh.gov)

**REGION 2**  
PO Box 417  
New Hampton, NH 03256  
(603) 744-5470  
FAX (603) 744-6302  
email: [reg2@wildlife.nh.gov](mailto:reg2@wildlife.nh.gov)

**REGION 3**  
225 Main Street  
Durham, NH 03824-4732  
(603) 868-1095  
FAX (603) 868-3305  
email: [reg3@wildlife.nh.gov](mailto:reg3@wildlife.nh.gov)

**REGION 4**  
15 Ash Brook Court  
Keene, NH 03431  
(603) 352-9669  
FAX (603) 352-8798  
email: [reg4@wildlife.nh.gov](mailto:reg4@wildlife.nh.gov)



**HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**EXECUTIVE SESSION on HB 358**

**BILL TITLE:** relative to the filing and adoption of proposed administrative rules.

**DATE:** March 8, 2023

**LOB ROOM:** 306-308

**MOTIONS: OUGHT TO PASS WITH AMENDMENT**

Moved by Rep. C. McGuire                      Seconded by Rep. P. Schmidt                      AM Vote: 20-0

Amendment # 2023-0648h

Moved by Rep. C. McGuire                      Seconded by Rep. S. Gould                      Vote: 20-0

**CONSENT CALENDAR: YES**

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep Shane Sirois, Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/5/2023 1:25:09 PM  
Roll Call Committee Registers  
Report

2023 SESSION

Executive Departments and Administration

Bill #: 358 Motion: OTPA AM #: \_\_\_\_\_ Exec Session Date: 3-8-23

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
McGuire, Carol M. Chairman	✓✓		
Simon, Matthew J. Vice Chairman	✓✓		
Lekas, Tony	✓✓		
Bailey, Glenn	✓✓		
Santonastaso, Matthew	✓✓		
True, Chris	✓✓		
Dolan, Tom	✓✓		
Abare, Kimberly L	✓✓		
Gerhard, Jason	✓✓		
Sirois, Shane A	✓✓		
Grote, Jaci L.	✓✓		
Schmidt, Peter B.	✓✓		
Goley, Jeffrey P.	✓✓		
Schuett, Dianne E.	✓✓		
O'Brien, Michael B.	✓✓		
Wilhelm, Matthew B. <u>Soucy</u>	✓✓		
Davis, Fred E.	✓✓		
Fitzpatrick, Daniel W	✓✓		
Gould, Sherry L	✓✓		
Smith, Juliet L <u>TRKALEVAN</u>	✓✓		
TOTAL VOTE: <u>THE CHAIR</u>	✓✓		

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