

HB 1480 – AS INTRODUCED

2014 SESSION

14-2299
10/01

HOUSE BILL ***1480***

AN ACT relative to objections to proposed agency administrative rules by standing committees of the general court.

SPONSORS: Rep. Ulery, Hills 37; Rep. Tucker, Rock 23; Sen. Carson, Dist 14

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows a standing committee of the general court, or members of the general court submitting a petition thereto, to object to a proposed rule of an agency. The objection by the standing committee or petitioners may be a basis for final objection of a proposed agency rule.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to objections to proposed agency administrative rules by standing committees of the general court.

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

1 1 Rulemaking; Filing Proposed Rule; Legislative Standing Committee Review; Objection.
2 Amend RSA 541-A:10, I to read as follows:

3 I. At the same time the notice required by RSA 541-A:6, I is filed, the agency shall file the
4 text of the proposed rule with the director of legislative services.

5 ***I-a.*** The first time a rule is proposed under RSA 541-A:3 to implement newly-enacted state
6 authority, the agency shall send an electronic copy of the notice and proposed rule to the chair of
7 each house and senate standing policy committee, as defined in RSA 541-A:1, XVI, for distribution to
8 ~~[the]~~ ***each of the current*** members of such standing policy committees. If the newly-enacted state
9 authority was not referred originally to a standing policy committee, the agency shall send an
10 electronic copy of the notice and proposed rule to the speaker of the house and senate president for
11 appropriate distribution ***to the current members of the standing policy committee***. If the
12 agency does not have the technology necessary to send an electronic copy, the agency shall send a
13 paper copy ***to each of the current members of the standing policy committee***.

14 ***I-b.*** The members of the standing policy committees receiving proposed rules ~~[may]~~***shall***
15 review the proposed rules to determine whether the proposed rule is consistent with the intent of the
16 authorizing legislation ***or if the policy committee otherwise objects to the proposed rule***. If
17 ***after a duly noticed public hearing held within 20 days of receipt of the proposed rules***, a
18 standing policy committee concludes that the proposed rule is not consistent with the intent of the
19 authorizing legislation, ***or objects to the rule, or if the standing policy committee is presented***
20 ***with a signed petition from not less than 20 current members of the general court objecting***
21 ***to the proposed rule***, the standing policy committee shall send written notice to the agency, with a
22 copy to the director of legislative services ***and the chair of the committee***, ~~[identifying the~~
23 ~~provision or provisions the committee believes to be]~~ ***stating the objections to the proposed rule***
24 ***and any reason it is*** inconsistent with legislative intent. Such written notice may be sent to the
25 agency via e-mail and shall be delivered so as to be received by the agency no later than the deadline
26 for public comment specified in the rulemaking notice.

27 ***I-c.*** If the agency does not receive notice from any standing policy committee by the end of
28 the public comment period, the agency may proceed on the basis that the rule is consistent with the
29 intent of the authorizing legislation. ***If the agency receives notice from the standing policy***
30 ***committee, the agency shall revise the rule.*** The text of the proposed rules as filed by the agency

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pursuant to RSA 541-A:3, III shall not be changed prior to the hearing held pursuant to RSA 541-A:11, I(a).

2 Review by Joint Legislative Committee on Administrative Rules. Amend RSA 541-A:13, IV to read as follows:

IV. The committee may object to a proposed rule if the rule is:

(a) Beyond the authority of the agency;

(b) Contrary to the intent of the legislature;

(c) Determined not to be in the public interest; ~~or~~

(d) Deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement~~[-]~~; **or**

(e) Subject to an objection by a standing policy committee or petitioners under RSA 541-A:10, I-b which is not revised by the agency to remove the basis for objection. In such instance the standing policy committee or members of the general court submitting the petition under RSA 541-A:10, I-b shall be permitted to present oral and written testimony to the committee concerning the basis for the objection to the proposed rule.

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