

HB 1521 - AS INTRODUCED

2024 SESSION

24-2609

10/08

HOUSE BILL

1521

AN ACT requiring agencies to respond to issues raised by the public during the rulemaking process.

SPONSORS: Rep. Potenza, Straf. 19; Rep. Germana, Ches. 1; Rep. Mazur, Hills. 44; Rep. Comtois, Belk. 7

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires agencies adopting an administrative rule to provide prior to effectiveness, a detailed explanation for overruling each significant argument against the rule, and to post public comments on the agency webpage.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT requiring agencies to respond to issues raised by the public during the rulemaking process.

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

1 1 Administrative Rulemaking; Explanation of the Rule. Amend RSA 541-A:11, VII to read as
2 follows:

3 VII. ~~[If requested by an interested person at any time before 30 days after final adoption of a~~
4 ~~rule.]~~ **Not later than 90 days following the later of the end of the public hearing or the end**
5 **of the public comment period,** the adopting authority shall issue an explanation of the rule. The
6 explanation shall include:

7 (a) A concise statement of the principal reasons for and against the adoption of the rule
8 in its final form.

9 (b) ~~[An]~~ **A detailed** explanation of ~~[why the adopting authority overruled the arguments~~
10 ~~and considerations]~~ **the facts, data, interpretations, and policy choices that justify why the**
11 **adopting agency overruled each significant argument** against the rule.

12 2 Adoption of Rule; Effectiveness. Amend RSA 541-A:16, III to read as follows:

13 III. A rule shall become effective as of 12:01 a.m. on the day after the filing of the adopted
14 rule or as of 12:01 a.m. on the date specified by the agency pursuant to RSA 541-A:14, IV, RSA 541-
15 A:14-a, III, or RSA 541-A:19, X, or such other later date as specified, provided that filing occurs
16 before such effective date. **Provided, however, that the rule shall not be effective, or its**
17 **adoption shall be postponed, until 90 days after the agency explanation required by RSA**
18 **541-A:11, VI(b) is posted on the agency's website and notice is given by the agency that it is**
19 **available.** Except as provided in RSA 541-A:14-a, a rule adopted under RSA 541-A:14, IV shall
20 expire after the last day of the tenth year following its becoming effective, unless sooner amended,
21 readopted, or repealed.

22 3 New Paragraph; Rulemaking; Public Comments; Requirement for Online Availability. Amend
23 RSA 541-A:11 by inserting after paragraph X the following new paragraph:

24 XI.(a) Every public comment on a proposed rule that the agency receives via electronic
25 means shall be promptly uploaded to a webpage maintained by the agency. Each proposed rule shall
26 have a separate location for all public comments received for that rule, and the comments shall be
27 searchable by the name of the commenter.

28 (b) Public comments received via regular mail shall, to the extent agency resources
29 permit, be scanned and added to the webpage as electronic documents.

30 4 Effective Date. This act shall take effect upon its passage.