

SB 483-FN - AS INTRODUCED

2024 SESSION

24-2900

11/08

SENATE BILL ***483-FN***

AN ACT relative to establishing an office of regulatory efficiency and oversight.

SPONSORS: Sen. Innis, Dist 7; Sen. Avard, Dist 12; Sen. Lang, Dist 2; Rep. C. McGuire, Merr.
27

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes an office of regulatory efficiency and oversight.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to establishing an office of regulatory efficiency and oversight.

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

1 1 New Subdivision; Office of Regulatory Efficiency and Oversight. Amend RSA 12-O by
2 inserting after section 12-O:76 the following new subdivision:

3 Office of Regulatory Efficiency and Oversight

4 12-O:77 Office of Regulatory Efficiency and Oversight.

5 I. There is hereby established an office of regulatory efficiency and oversight. The office
6 shall be an independent agency administratively attached to the department of business and
7 economic affairs pursuant to RSA 21-G:10. For the purposes of this chapter, “private industry” shall
8 be defined as any entity, persons, or representative thereof, who generate commerce in the state of
9 New Hampshire. The office shall consist of the following:

10 (a) An executive director, appointed by the governor, who shall have experience from the
11 private and public sector, as well as with state regulations. The executive director shall serve a 5-
12 year term and until a successor is appointed and qualified.

13 (b) An advisor of regulatory oversight appointed by the executive director who shall have
14 experience in private industry specifically dealing with and navigating government regulations.

15 (c) An advisor of state government efficiency appointed by the executive director, who
16 shall have experience in public service, government, and interagency regulation.

17 (d) One staff member to be appointed by the executive director. When filling this
18 position, the executive director should consider appointing a business analyst or attorney with
19 experience working with New Hampshire’s regulatory agencies.

20 12-O:78 Powers and Duties.

21 I. The office of regulatory efficiency and oversight shall have the power and duty to petition
22 for, initiate, appear, or intervene in any proceeding concerning rulemaking before any board,
23 commission, agency, or regulatory body in which the interests of private industry in New Hampshire
24 are involved and to represent the interests of such industries.

25 II. The office of regulatory efficiency and oversight shall work in collaboration with private
26 industry, executive agencies, the legislature, and any other parties the executive director deems
27 appropriate to produce an overall cost-benefit analysis, within 6 months of initial appointment of the
28 executive director, that may be used to determine the impact existing rules have and proposed
29 rulemaking could have on private industry. The overall cost-benefit analysis shall be made public
30 upon its completion and updated from time to time as the executive director deems fit.

SB 483-FN - AS INTRODUCED
- Page 2 -

1 III. The office of regulatory efficiency and oversight shall, in addition to an overall cost-
2 benefit analysis, also create a methodology for targeted cost benefit analyses with respect to specific
3 regulatory stakeholders. These analyses shall include evaluation of the issue the regulation is
4 attempting to solve and proposed alternative approaches to solve the issue with their costs, benefits,
5 and impacts on stakeholders. The office of regulatory efficiency and oversight may use both the
6 overall cost-benefit analysis and the targeted cost-benefit analyses to inform and advise the public,
7 executive agencies, and the legislature and its committees about the impacts of existing or proposed
8 rules on private industry.

9 IV. The office of regulatory efficiency and oversight shall accept complaints and comments
10 from private industry regarding existing or proposed rules and use both the overall and targeted
11 cost-benefit analysis pursuant to paragraphs II and III to determine the impact of existing or
12 proposed rules to such private industry. Within 6 months from initial appointment of the executive
13 director, the office shall have an online presence whereby private industry may submit complaints
14 and comments.

15 V. The office of regulatory efficiency and oversight shall work in collaboration with executive
16 branch agencies to evaluate current practices and interagency communications and procedures in
17 order to continually improve efficiencies and eliminate duplicity and unnecessary impediments.

18 VI. The office of regulatory efficiency and oversight shall annually review all boards and
19 commissions within the office of professional licensure and certification and produce a report to the
20 governor, senate president, and speaker of the house consisting of recommendations to increase
21 efficiencies and remove redundancies.

22 VII. The executive director shall have the authority to contract for outside consultants
23 within the limits of funds available to the office.

24 12-O:79 Submission of Proposed Agency Administrative Rules. Executive agencies shall submit
25 all proposed rules to the office of regulatory efficiency and oversight at least 30 days prior to their
26 initial public hearing pursuant to RSA 541-A:11.

27 2 Appropriation; Department of Business and Economic Affairs; Office of Regulatory Efficiency
28 and Oversight. The sum of \$1,500,000 for the fiscal year ending June 30, 2025 is hereby
29 appropriated to the department of business and economic affairs for administration of the office of
30 regulatory efficiency and oversight established under RSA 12-O:77. Such funds shall be non-lapsing.
31 The governor is authorized to draw a warrant for said sums out of any money in the treasury not
32 otherwise appropriated.

33 3 Effective Date. This act shall take effect January 1, 2025.

SB 483-FN- FISCAL NOTE
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AN ACT relative to establishing an office of regulatory efficiency and oversight.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	FY 2025	FY 2026	FY 2027
Revenue	\$0	Indeterminable	Indeterminable	Indeterminable
<i>Revenue Fund(s)</i>	General Fund Various Agency Funds			
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
<i>Funding Source(s)</i>	General Fund			
Appropriations	\$0	\$1,500,000	\$0	\$0
<i>Funding Source(s)</i>	General Fund			

- Does this bill provide sufficient funding to cover estimated expenditures? ☒ Yes
- Does this bill authorize new positions to implement this bill? ☒ Yes

METHODOLOGY:

This bill creates the Office of Regulatory Efficiency and Oversight, an independent agency linked administratively to the Department of Business and Economic Affairs. This new office shall have the power and duty to petition for, initiate and intervene in any regulatory rulemaking processes across boards, commissions, agencies, or regulatory bodies that affect the interests of private industries in New Hampshire. Additionally, its responsibilities include collaborating with executive agencies and the Office of Professional Licensure and Certification (OPLC) to enhance operational efficiencies. Additionally, this bill appropriates \$1,500,000 in General Funds for the fiscal year ending June 30, 2025, to the DBEA for the establishment of the new office. This appropriations is non-lapsing.

The Department of Business and Economic Affairs (DBEA) states this bill allocates \$1,500,000 as initial funding for the new office, which does not lapse. However, it lacks provisions to cover essential business office expenses like human resources, invoicing, budget management, and software needs. The DBEA states they lack the budget to absorb these costs, potentially delaying or hindering their work.

Four positions are authorized with this bill: an executive director, advisors for regulatory oversight and state government efficiency, and an attorney. Their salaries are based on

previous job classifications, which might change due to updated wage schedules and classification systems. It's uncertain whether this staffing level is adequate or if additional software, hardware, or training will be needed for their work.

While the Department deems the \$1,500,000 sufficient for startup and operational needs, exact expenses remain unclear. The Department plans to submit detailed expenditure requests during the FY26-27 budget process. Despite potential savings from improved efficiencies, these are currently indeterminable.

AGENCIES CONTACTED:

Department of Business and Economic Affairs