Bill as Introduced

HB 462-FN – AS INTRODUCED

2001 SESSION

01-0752
05/09

HOUSE BILL ***462-FN***

AN ACT requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

SPONSORS: Rep. Emerton, Hills 7

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill requires state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

01-0752
05/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand One

AN ACT requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

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

1 Statement of Intent. It is the intent of the legislature that all newly appointed members of state regulatory boards, commissions, advisory boards, advisory committees, and authorities shall receive training in their duties and responsibilities. Recognizing that each of these entities has a unique charge, the legislature finds that it is most appropriate for their members to develop, distribute and update an orientation manual specific to their individual duties and practices.

2 New Chapter; Orientation Manual for Boards and Commissions. Amend RSA by inserting after chapter 20-A the following new chapter:

CHAPTER 20-B

BOARDS AND COMMISSIONS MEMBER ORIENTATION

20-B:1 Orientation Manual.

I. Every state regulatory board, commission, advisory board, advisory committee, or authority shall develop an orientation manual for its new members. The orientation manual shall include information about the business procedures of the regulatory board, commission, advisory board, advisory committee and authority. Such procedures shall include the mailing address and phone number of the office, a list of the members and staff, the customary meeting schedule, and any other pertinent information.

II. The following additional documents shall accompany each orientation manual. Such documents shall include but shall not be limited to:

(a) The enabling statutes and rules of the regulatory board, commission, advisory board, advisory committee, and authority.

(b) Other statutes governing subjects within the jurisdiction of the regulatory board, commission, advisory board, advisory committee, and authority.

(c) Case law relative to areas within the jurisdiction of the board, commission, advisory board, advisory committee, and authority.

(d) A copy of RSA 91-A, a copy of RSA 541-A, a copy of RSA 541, a copy of RSA 21-G:5-a, and a copy of the most recent guidelines for hearings officers produced by the department of justice.

20-B:2 Updating Orientation Manual. The members of every regulatory board, commission, advisory board, advisory committee, and authority shall review and update the new member orientation manual annually to ensure that all of its components are current and complete.

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

LBAO
01-0752
1/31/01

HB 462-FN - FISCAL NOTE

AN ACT requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

FISCAL IMPACT:

The Department of Administrative Services and the Secretary of State have determined this bill will increase state revenue and expenditures in FY 2001 and each year thereafter. There will be no fiscal impact on county and local revenue or expenditures.

METHODOLOGY:

The Department of Administrative Services and Secretary of State stated that costs will be incurred with research, copying and updating of a manual. Costs will be offset by increased revenue generated by board fees.

The Department of Health and Human Services stated this bill will have no fiscal impact on any board attached to the Department.

Amendments

Executive Departments and Administration
March 7, 2002
2002-2905h
05/10

Amendment to HB 462-FN

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

AN ACT requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to provide orientation information for new members.

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

1 New Chapter; Orientation Information for Board and Commission Members. Amend RSA by inserting after chapter 20-A the following new chapter:

CHAPTER 20-B

ORIENTATION INFORMATION FOR BOARD AND COMMISSION MEMBERS

20-B:1 Orientation Information. Every state regulatory board, commission, advisory board, advisory committee, and authority shall provide orientation information for its new members. The orientation information may include the business procedures of the regulatory board, commission, advisory board, advisory committee, or authority, the mailing address and phone number of the office, a list of the members and staff, the customary meeting schedule, and any other pertinent information.

2 Effective Date. This act shall take effect January 1, 2003.

2002-2905h

AMENDED ANALYSIS

This bill requires state regulatory boards, commissions, advisory boards, advisory committees, and authorities to provide orientation information to new members.

Committee Minutes

Date: February 13, 2002
Time: 2:00 PM
Room: 104,LOB

The Senate Committee on Executive Departments and Administration held a hearing on the following:

HB 462-FN (New Title) requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to provide orientation information for new members.

Members of Committee present:
Senator Russell Prescott
Senator Robert Flanders
Senator Gary Francoeur
Senator Sylvia Larsen
Senator Lou D'Allesandro

The Chair, Senator Russell Prescott, opened the hearing on House Bill 462 by calling on Representative Larry Emerton.

Representative Larry Emerton: Thank you very much. We appreciate you having me. My name is Representative Larry Emerton, Hillsboro 7. And the chairman of division three in the (awful) Finance Committee. They're bad people.

Anyway, Mister Chairman and members of the committee, this, (sic) this has been a long and arduous journey. And I won't (bore) with you all the details. I know you have a busy day, as we all do.

Senator Russell E. Prescott, D. 19: We do have a half an hour.

Representative Larry Emerton: I'm not gonna take more than three minutes.

Back in 1994 I filed this legislation for the simple reason that I had, at that time, was a member of the ED&A Committee in the House. And subsequent to that I became the chairman of the licensing part of ED&A. And messed

with new (muffled) and commissions and found that basically, the older members knew exactly what was going on in the boards and commissions. But over the years we have, as you well know, started many new boards and commissions.

This bill is a very simple bill. And I'm (disgusted) it got through the House, by the way. Which is, (sic) I'm very happy to say it passed the House unanimously. (mumbled) spoke.

What happened with the board and commissions is new members come in from all parts of the state. They are, for the most part, either unpaid, or have a minimum of $40 or $50 per meeting. Legislative members of course have mileage.

However, the new boards have no idea in most cases, I'll give you, (mumbled) my wife became a member of the, (sic) the Lemon Law Board. And I guess it (went) for me that the whole board is brand new. They didn't know even where the bathrooms were here. And its subsequently been a very good board. And they've had many (mumbled) for themselves. And that's just one example of many of the boards we've had. And continue to have.

However, this is a request and requirement that each board or commission, there's about 105 110 of them, come up with a very, very simple, something like the (mumbled) is there. With maybe ten or fifteen pages of things that are in here.

The RSA 91-A, 541-A, the Administrative Rules Act, the statutes governing that particular board. And anything else that the chairman of that board or the people that oversee it would seem appropriate so that the folks who are coming in brand new, being their first time, are gonna have to take up the time of the, (sic) the chairman and the members of the committee (muffled)...study, and leisure, and work on it.

Now I agree that several of the boards do have these. But by and large, most of the, (sic) particularly the smaller boards who have, (sic) some of them don't even have rules have not done much at all (muffled)...to get up to speed and find out what's going on.

And I'll give you the one example. Of course we aren't sure if they're down at the port authority. And in fact we were there a couple times last year. They, (sic) they had no rules, no regulations, no anything, and people that...the previous port authority down there saw it going around in circles. And it was well documented in the Portsmouth Herald and Keene Sentinel and Union Leader and Concord Monitor.

So anyway, in closing, I feel this is a small step forward. It will be very, (sic) it'll take a few days of work, but whoever oversees that particular committee, and they will have something they can go by and, (sic) and they can work on it over the years and update it and keep it up to date. And many other states that I have been in have these. And I don't know that we have anything like this unilaterally in the state of New Hampshire.

Thank you very much.

Senator Russell E. Prescott, D. 19: Thank you, Representative Emerton. Question from Senator Francoeur?

Senator Gary R. Francoeur, D. 14: Does someone on boards already do this?

Representative Larry Emerton: A few of them do. The large boards, the, (sic) I'm thinking of out loud, who oversees the Liquor Commission. There's a board that oversees that. I believe they have an operating manual.

The last time I checked was about a year ago. There was six or eight who didn't have any large boards. Small boards, that have only, (sic) maybe they only meet once a month or every couple a months, actually have nothing. And everyone that I've spoken to on boards, as soon as they step forward, they just haven't got around to doing it.

Senator Russell E. Prescott, D. 19: Was there a model that you used that you took the points from?

Representative Larry Emerton: No, sir. I felt that these things that I outlined here, and I did this with other people at the time when ED&A Committee, which oversees the boards and commissions. And its just very simple. I didn't want to go into anything costly, because I don't want anything printed that's very excited.

But just give them the basics. The Right to Know law, which is very basic. The Administrative Procedures Act. And the statutes that refer to that particular board or commission.

Senator Russell E. Prescott, D. 19: When the, (sic) when the fiscal note says there will be no impact on the, (sic) fiscal impact on county and local revenue expenditures, but it doesn't say that, (sic) it says they will increase state revenue and expenditures, fiscal year 2001, which has passed.

It doesn't say what those, (sic) what that increase for expenditure is.

Representative Larry Emerton: To be very honest with you, I just read that and I don't know where they got the increase part of that. I don't even think that should be in there.

Senator Russell E. Prescott, D. 19: I've never seen more work create more money. I mean, cost less.

Representative Larry Emerton: Generally speaking, like I said, the board that oversees the health, (sic) the health agencies at the state, there's about ten or twelve of them over the Department of Health and Human Services.

They, (sic) they have some procedural manuals there that they go by. They have a great big department as you know, with (muffled) employees.

We throw away as much paper as they would use in this whole thing in five years.

Senator Russell E. Prescott, D. 19: Do you understand how the costs are off-set by increased revenue generated by board fees?

Representative Larry Emerton: No, sir, Senator. I, (sic) I just, (sic) I just read that a few minutes ago...I didn't realize that. Increase, I think that's an inappropriate use of...I don't know where that came from.

Senator Russell E. Prescott, D. 19: And your estimate then, what's the fiscal note?

Representative Larry Emerton: The fiscal note would be the paper that would be used to run off the RSA 91-A which I think is four or five pages long. We can all work with that.

541-A is a little longer. The Administrative Procedures, they have a lot of those over there anyway that they hand out to you and I if we went over there.

And the RSA (muffled)...the particular board, for an example, the engineer, the board of engineers would be maybe ten or fifteen pages of material in the law book that they would go by.

And I'm not looking for all the laws that go with it (mumbled) or something like that. Just board that would be overseeing that type of board. And

there's some real tiny boards that, I can't think of the name. I used to have a whole list of them. They meet very, very infrequently and they have very small laws. The whole packet might not be more than fifteen or twenty pages at the very most.

Senator Russell E. Prescott, D. 19: What about the initial drafting of this orientation manual, the time spent? Do you think that they're gonna convene a day for the board to work on this and therefore you have, (sic) you have a cost incurred from that meeting of the board?

Representative Larry Emerton: No. No, Senator. I have not envisioned that. I had...envisioned that this new member, its only for new members. Of course the old members could come if they want to.

But a new member would have that. Take it home for he or she. Read it over and just familiarize themselves with that particular board. Because as we know, most of these people, in many cases, I shouldn't say most, in many cases, are public members. And they have no familiarization with the...

...interesting enough that California, when I was on ED&A, passed a law that required the majority of every member of the board of commission in California be a public member. I don't go along with that, but it was very interesting. And one of my, (sic) one of my research projects. I don't think we'd get that through here. I wouldn't want any of it.

Senator Russell E. Prescott, D. 19: Right. Well, my question is leaning to, that you have every state board must put together business procedures of that board, and any other pertinent information.

I would envision that that would take a consensus of the board to come up with what their business procedures are of the new member. And what other pertinent information they're gonna put together.

Therefore, I see them spending time. That's not shown here in the physical note impact, because if a board convenes, there may be how many members on a board sometimes, ten or fifteen, at $50 a day. Plus expenses. And you don't show that impact.

Representative Larry Emerton: If you may or may not know, each board has an executive secretary. And in many cases that person or persons, in which case is one person, it would seem to me to be able to work this into their schedule.

The effective date, I think, I don't remember it, was sixty days after passage. And again, a couple of months they ought to be able to find time enough to learn how to view these laws, and...referred to before.

Seems to me its just bringing us into the 21st century where these boards and commissions are actually governing our lives and the lives of all the people they oversee. And they should at least be able to know what the laws are that they're administering. That's my opinion.

Senator Russell E. Prescott, D. 19: Yeah. That, (sic) that wasn't my point. My point was that the fiscal note, I don't know if it reflects, it doesn't say any cost at all. It actually says they're gonna make money by doing more work.

Representative Larry Emerton: Well I think that's wrong because ...making money. Again, as I said before, maybe fifty pages...that's about what I had envisioned. And the folks who in ED&A and House admission.

Senator Russell E. Prescott, D. 19: Any questions of Representative?

Senator Lou D'Allesandro, D. 20: Just one.

Senator Russell E. Prescott, D. 19: Yes, Senator.

Senator Lou D'Allesandro, D. 20: Representative Emerton, do, (sic) do, (sic) do most boards now, (sic) most of the state boards have a procedure manual, or do they go by the Administrative Services Procedure Manual as to how they, (sic) how they function? How they conduct the meeting. The open hearing concept. (mumbled)...and so forth and so on.

And, (sic) and do we have, (sic) and if, (sic) and if they do, don't, (sic) don't we have sort of a, (sic) a prototype situation that could be adapted by each one of these boards that's currently in place, so that we can have some uniformity?

I don't see that being expensive, an expensive process. Its really a procedure.

Representative Larry Emerton: You're absolutely right. They, (sic) they all have, unless it's a brand new board, and before you got here, I mentioned to the Senators that my wife had to be on the Lemon Law Board, and Walter Maroney, who's in the AG's office, and I kind of helped set it up. We (mumbled) because I was on ED&A. And he helped them with this procedure that they had. And of course it was a brand new law.

I gave copies of the law...copies of 541-A and 91-A. And my wife, I hate to use her as an example, but she was brand new and so were the other members of the board.

It was a very interesting operation to start a brand new board. And we did the same with the Appraisal Board. I sponsored that bill ten twelve years ago. I helped run them through there. And I tried to get this through to Governor Merrill's office, (sic) blocked it because they said it was very, very expensive, to be quite honest with you. And so, (mumbled) turned it out and keep going.

Senator Lou D'Allesandro, D. 20: Further question, Mister Chairman?

Senator Russell E. Prescott, D. 19: Certainly, Senator.

Senator Lou D'Allesandro, D. 20: And, (sic) and don't we here in, (sic) in state government have, (sic) we do an orientation manual for new members of the legislature. We actually run, a company runs them through an orientation process.

Representative Larry Emerton: We certainly do. I...(DSL) or something that we have no ...of orientation in two ways. Many states, (sic) many states have a week, and it gives a list of all the, (sic) all the...but if they run through two days per week in the orientation of legislatures, then that's, I think the boards can do as much danger or good as, (sic) as legislatures can over the years.

Senator Gary R. Francoeur, D. 14: Any more questions? Okay. Thank you. Representative, thank you.

Anybody else want to speak on House Bill 462?

Representative Larry Emerton: Thank you very much.

Senator Gary R. Francoeur, D. 14: Seeing none, we'll close the hearing.

Respectfully submitted,

Jessica L. Cilley
Senate Secretary

Speakers

ED & A COMMITTEE

Date: 02/13/02 **Time:** 2:00 PM **Public Hearing on:** HB 462-FN

FAVOR	OPPOSED	Name	Representing	SPEAKING?
☒	☐	Rep. Larry Emerton - Sponsor		☑
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Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date:

THE COMMITTEE ON Executive Departments and Administration

to which was referred House Bill 462-FN

AN ACT requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to develop an orientation manual for new members.

VOTE: 2-0

AMENDMENT # 2002-2905s

Having considered the same, report the same with the following amendment and recommend that the bill: **AS AMENDED OUGHT TO PASS.**

Senator Gary R. Francoeur
For the Committee

|HB462 Docket

Next|Prev|Results List|Main|Bill Status

Bill Title: (New Title) requiring state regulatory boards, commissions, advisory boards, advisory committees, and authorities to provide orientation information for new members.

Date	Body	Description
1/25/2001	H	Introduced and ref to Exec Depts & Admin; HJ18, p246
2/5/2001	H	Copy to Chairman on 2/6/2001
2/7/2001	H	==CANCELLED==Hearing Mar 6 10:00 RM100,St House
2/22/2001	H	Rescheduled Hearing Mar 14 1:30 RM100, St House
4/4/2001	H	Subcom Work Session Apr 10 9:30 RM100, St House
4/12/2001	H	Retained in Committee
11/5/2001	H	Subcom Work Session Nov 13 10:00 RM100, St House
12/4/2001	H	Maj Report OTP for Jan 2 (vote 13-0;CC)
1/2/2002	H	Passed; HJ5, p188 + 248
1/2/2002	S	Introduced and Ref. to Executive Departments & Administration; SJ 1, Pg.13
1/29/2002	S	Hearing; February 6, 2002, Room 104, LOB, 3:15 p.m.; SC8
1/30/2002	S	Hearing; === TIME CHANGE === February 6, 2002, Room 104, LOB, 3:45 p.m.; SC8A
2/4/2002	S	Hearing; === CANCELLED === February 6, 2002, Room 104, LOB, 3:45 p.m.; SC9
2/7/2002	S	Hearing; === RESCHEDULED === February 13, 2002, Room 104, LOB, 2:00 p.m.; SC10
3/12/2002	S	Committee Report; Ought to Pass with Amendment {2905},(New Title), [03/14/02]; SC16A, Pg.8
3/14/2002	S	Ought to Pass with Amendment {2905},(New Title), AA, VV; Refer To Finance [Rule 24]; SJ 7, Pg.182
3/19/2002	S	Committee Report; Ought to Pass, [03/21/02]; SC17A
3/21/2002	S	Ought to Pass, MA, VV; OT3rdg, MA, VV; SJ 8, Pg.209
4/4/2002	H	House Conc with Sen Am, Rep Peterson MA VV; HJ32, p1248
4/16/2002	S	Enrolled;
4/17/2002	H	Enrolled;
4/26/2002	H	Signed by the Governor on 4/26/2002 Eff: 1/1/2003 Chap: 0051

Next|Prev|Results List|Main|Bill Status

Docket Abbreviations