HB 1600 - AS INTRODUCED

2018 SESSION

18-2398
10/01

HOUSE BILL ***1600***

AN ACT relative to objections to proposed rules by the joint legislative committee on administrative rules.

SPONSORS: Rep. L. Ober, Hills. 37; Rep. M. MacKay, Hills. 30; Rep. Emerick, Rock. 21; Rep. Eaton, Ches. 3; Rep. Leishman, Hills. 24; Rep. Spanos, Belk. 3; Rep. McGuire, Merr. 29; Rep. J. Graham, Hills. 7; Sen. Carson, Dist 14; Sen. Sanborn, Dist 9

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill allows the joint legislative committee on administrative rules to object to a rule if it is not authorized by a law enacted by the legislature or if it contains ambiguous or undefined words.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Eighteen

AN ACT relative to objections to proposed rules by the joint legislative committee on administrative rules.

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

1 Administrative Procedure Act; Committee Review of Rules; Objection. 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 ***or not authorized by a law enacted by the legislature***;

(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) Determined to contain substantive terms defined or used in an ambiguous manner or technical words or phrases without appropriate definitions.

2 Objection; Interim Rules. Amend RSA 541-A:19, VII to read as follows:

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

(a) Beyond the authority of the agency ***or not authorized by a law enacted by the legislature***;

(b) Contrary to the intent of the legislature;

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

(d) Deemed by the committee not to meet the requirements of paragraph I[.]***; or***

(e) Determined to contain substantive terms defined or used in an ambiguous manner or technical words or phrases without appropriate definitions.

3 Objection; Revisions to Forms. Amend RSA 541-A:19-c, VI to read as follows:

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

(a) Beyond the authority of the agency ***or not authorized by a law enacted by the legislature***;

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

(c) Deemed by the committee not to meet the requirements of this section [.]***; or***

(d) Determined to contain substantive terms defined or used in an ambiguous manner or technical words or phrases without appropriate definitions.

4 Objection; Incorporation by Reference. Amend RSA 541-A:19-d, VII to read as follows:

VII. The amended rule shall be placed on the agenda of the committee for review at the first regularly scheduled or special meeting at least 5 calendar days after the close of the period for written or electronic comment described in subparagraph II(g). The committee may approve, conditionally approve, or object to the amended rule pursuant to RSA 541-A:13, V-VII. The committee may object to the amended rule if the rule is:

(a) Beyond the authority of the agency ***or not authorized by a law enacted by the legislature***;

(b) Contrary to the intent of the legislature;

(c) Deemed not to be in the public interest; [~~or~~]

(d) Deemed by the committee not to meet the requirements of paragraph I[.]***; or***

(e) Determined to contain substantive terms defined or used in an ambiguous manner or technical words or phrases without appropriate definitions.

5 Effective Date. This act shall take effect July 1, 2018.