

HB 1683-FN - AS INTRODUCED

2026 SESSION

26-3114

04/09

HOUSE BILL            ***1683-FN***

AN ACT                relative to the modification of administrative rules by the joint legislative committee on administrative rules.

SPONSORS:            Rep. Potenza, Straf. 19; Rep. J. Aron, Sull. 4; Rep. Bernardy, Rock. 36; Rep. Comtois, Belk. 7; Rep. N. Germana, Ches. 15; Rep. Haskins, Rock. 11; Rep. Kofalt, Hills. 32

COMMITTEE:          Executive Departments and Administration

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ANALYSIS

This bill requires agencies to identify specific statutory authority for each administrative rule they adopt, establishes a biennial review process to audit rules for compliance with their enabling statutes, and creates a procedure for repealing or amending rules found to be inconsistent with statutory authority.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty-Six*

AN ACT relative to the modification of administrative rules by the joint legislative committee on administrative rules.

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

1 1 New Section; Joint Legislative Committee on Administrative Rules; Rulemaking Limited to  
2 Statutory Authority. Amend RSA 541-A by inserting after section 3-b the following new section:

3 541-A:3-c Limitation to Current Statutes.

4 I. All proposed or existing administrative rules reviewed by the joint legislative committee  
5 on administrative rules (JLCAR) shall be based upon and directly supported by current statutory  
6 law contained in the Revised Statutes Annotated (RSA).

7 II. No rule shall be adopted, readopted, or amended unless the agency can demonstrate in  
8 writing the specific statutory section authorizing the rule.

9 2 New Sections; Biannual Audit of Existing Rules. Amend RSA 541-A by inserting after section  
10 22 the following new sections:

11 541-A:22-a Biannual Audit of Rules for Constitutionality and Statutory Authority.

12 I. The office of legislative services, under supervision of the joint legislative committee on  
13 administrative rules (JLCAR), shall conduct a biannual audit of all administrative rules currently in  
14 effect to ensure that:

15 (a) Each rule is supported by a current statutory provision in the Revised Statutes  
16 Annotated (RSA); and

17 (b) Each rule complies with the New Hampshire constitution, the United States  
18 Constitution, and applicable state and federal law.

19 II. The results of each audit shall be reported to JLCAR and made publicly available on the  
20 general court website.

21 541-A:22-b Ongoing Removal of Noncompliant Rules.

22 I. Any rule identified through the audit described in RSA 541-A:22-a, or through any other  
23 lawful review, as not based upon a current RSA or found to be unconstitutional shall be flagged for  
24 repeal.

25 II. Upon receiving notice from joint legislative committee on administrative rules (JLCAR)  
26 that a rule has been flagged for repeal or amendment, the issuing agency shall:

27 (a) Immediately begin the repeal or amendment process and complete it within 90 days  
28 unless a shorter time frame is ordered; and

29 (b) Submit a written justification within 30 days explaining the statutory authority for  
30 the rule and why it should not be repealed or amended.

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1           III. JLCAR shall ensure that all flagged rules and the agencies' written justifications or  
2 failure to justify are posted on the general court website for public inspection no later than 10 days  
3 after receipt.

4           IV. If the agency fails to act within the time frame specified in paragraph II or fails to  
5 submit the written justification, JLCAR shall:

6                   (a) Refer the matter to the attorney general for enforcement;

7                   (b) Notify the governor and council and the presiding officers of the house and senate;

8 and

9                   (c) Recommend to the house finance committee and the senate finance committee that  
10 funds appropriated to the agency for the administration of the noncompliant rule be suspended until  
11 compliance is achieved.

12           V. Nothing in this section shall limit JLCAR's authority to act on noncompliant rules at any  
13 time, independent of the biannual audit schedule.

14           3 Effective Date. This act shall take effect 60 days after its passage.

**HB 1683-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to the modification of administrative rules by the joint legislative committee on administrative rules.

**FISCAL IMPACT: This bill does not provide funding, nor does it authorize new positions.**

| Estimated State Impact   |              |           |                           |                           |
|--------------------------|--------------|-----------|---------------------------|---------------------------|
|                          | FY 2026      | FY 2027   | FY 2028                   | FY 2029                   |
| <b>Revenue</b>           | \$0          | \$0       | \$0                       | \$0                       |
| <i>Revenue Fund(s)</i>   | None         |           |                           |                           |
| <b>Expenditures*</b>     | \$0          | \$312,000 | In excess of<br>\$326,000 | In excess of<br>\$337,000 |
| <i>Funding Source(s)</i> | General Fund |           |                           |                           |
| <b>Appropriations*</b>   | \$0          | \$0       | \$0                       | \$0                       |
| <i>Funding Source(s)</i> | None         |           |                           |                           |

\*Expenditure = Cost of bill

\*Appropriation = Authorized funding to cover cost of bill

**METHODOLOGY:**

This bill requires that all administrative rules must be explicitly supported by current statutory authority and introduces a biennial audit process, overseen by the Joint Legislative Committee on Administrative Rules (JLCAR), to ensure compliance. If a rule lacks statutory backing or is found unconstitutional, agencies must repeal or amend it within 90 days or justify its validity. Failure to comply may result in enforcement actions, including funding suspensions.

The Legislative Branch's Division of Administrative Rules anticipates a significant fiscal impact from the proposed legislation, which requires a biennial audit of all administrative rules for statutory and constitutional compliance. To meet these new mandates, the Division estimates state expenditures of approximately \$312,000 in FY 2027, \$326,000 in FY 2028, and \$337,000 in FY 2029. These costs reflect the need to hire three staff attorneys and one administrative assistant to conduct audits, manage reporting, and coordinate enforcement actions. Administrative Rules notes that actual long-term costs could exceed \$500,000 annually to maintain a sustainable audit process as they are unsure if the additional staffing will be sufficient. These expenses cannot be absorbed within its current budget.

It is assumed that any fiscal impact would occur after FY 2026.

**AGENCIES CONTACTED:**

Legislative Branch's Division of Administrative Rules