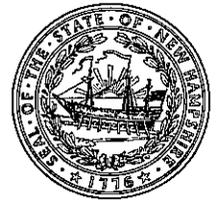




The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 6, 2010

The Honorable Jacalyn L. Cilley, Chairman
Senate Executive Departments and Administration Committee
Legislative Office Building, Room 101
Concord, New Hampshire 03301

Re: HB 1149, relative to incorporation by reference and filing of electronic documents in state agency rulemaking

Dear Chairman Cilley and members of the Committee:

Thank you for the opportunity to testify on HB 1149 as amended by the House, relative to incorporation by reference and filing of electronic documents in state agency rulemaking. The Department of Environmental Services supports this bill.

Section 1 would allow an agency to incorporate into its rules a manual of best management practices prepared by the agency alone or in conjunction with another state agency or private entity. Many agencies, including the Department of Environmental Services, work collaboratively with other state and federal agencies and private entities to develop best management practice ("BMP") manuals for a variety of activities, many of which are also subject to rules adopted pursuant to RSA 541-A. Because such manuals are not subject to the same drafting requirements as rules, they can be written in a style that is more understandable by the average user. However, the current statute prohibits an agency from incorporating any document prepared by or on behalf of itself. Section 1 would allow agencies to participate in the preparation of BMP manuals without losing the ability to then incorporate such manuals into rules.

Sections 2 through 4 of the bill have been added to clarify certain provisions of the electronic filing process for rules. DES was selected as the agency to pilot this process, and we are very pleased with how the process has been working. To date, nine rulemakings have been initiated using the electronic filing procedures, and four have been completed. DES estimates that, so far, over 500 sheets of paper and many hours of staff time (to make copies) have been saved as a result of using the e-filing process.

Thank you again for the opportunity to comment on this bill. If you have any questions, please call me or Gretchen Hamel of my staff at 271-3137.

Sincerely,

Thomas S. Burack
Commissioner

cc: Representative Patten
Representative Pilotte