



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

February 17, 2011

The Honorable Sharon M. Carson, Chairman  
Senate Executive Departments and Administration Committee  
State House, Room 100  
Concord, New Hampshire 03301

Re: SB 161, relative to procedures for adoption of agency rules under the administrative procedures act.

Dear Senator Carson and members of the Committee:

Last year, the "Lean Rulemaking - Phase I" project was initiated under the sponsorship of Representative Norelli. The project was premised on a recognition that the current process for promulgating rules is inefficient and takes too long; that certain statutorily mandated rulemaking requirements place undue burdens and costs on agencies, OLS, JLCAR and other stakeholders; and that there are barriers to meaningful public participation in the process. The Director of Legislative Services, staff from the OLS Administrative Rules office, and staff from the Departments of Environmental Services, Health and Human Services, and Safety worked together over the summer and fall of 2010 to identify specific issues that contribute to these problems and to brainstorm various ways to instill more efficiencies in the rulemaking process while also supporting and encouraging public participation. Some of the possible solutions can be addressed administratively, but many of them require statutory change. SB 161, relative to procedures for adoption of agency rules under the administrative procedures act, results from that process.

As is the case with many collaborative processes, the project participants reached a general consensus on which issues needed to be addressed by legislation but did not reach consensus in all cases on how those issues should be resolved. Nevertheless, we believe strongly in the value of using continuous process improvement tools and philosophies such as Lean to bring greater efficiencies to the operation of New Hampshire state government, and believe that SB 161 provides a solid framework for many of the improvements that are needed. Accordingly, we urge the Committee to move this bill forward as a demonstration of a joint commitment by the legislative and executive branches to making government more efficient and responsive to the citizens we serve.

Respectfully Submitted,

Thomas S. Burack  
Commissioner

cc: Senator Merrill  
Senator Stiles  
Senator Carson  
Representative P. Schmidt  
Representative Norelli  
Representative Pilotte  
Representative B. Patten  
Representative C. McGuire