



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



**Thomas S. Burack, Commissioner**

May 5, 2011

The Honorable Kenneth Weyler, Chairman  
House Finance Committee  
Legislative Office Building, Room 210  
Concord, New Hampshire 03301

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

Dear Chairman Weyler and members of the Committee:

Thank you for the opportunity to testify on SB 161, relative to procedures for adoption of agency rules under the administrative procedures act. The Department of Environmental Services supports this bill, as amended by the Senate and the House Executive Departments and Administration Committee.

Last year, the "Lean Rulemaking - Phase I" project was initiated under the sponsorship of Representative Norelli. The project sponsor and participants recognized that the current process for promulgating rules is inefficient; that certain statutory 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 ways to make the process more efficient while also supporting and encouraging public participation. Some of the solutions can be implemented administratively, but many require statutory change. SB 161, as amended by the Senate, would implement those changes. A chart is attached that explains each section of the bill.

We believe strongly in 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, as amended, is a significant step forward. 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

Enclosure

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