Shoreland protection changes

RSA 483-B has been significantly revised, courtesy of sections 382 through 412 of HB 2 (the budget trailer bill). All changes took effect July 1, 2011. This article summarizes the more noticeable changes; more information will be available at http://des.nh.gov/organization/divisions/water/wetlands/cspa/index.htm as resources allow.

The most conspicuous change is

DES Laboratory moves to DHHS

Under recently passed legislation, the DES Laboratory is now officially the Division of Public Health Laboratories – Public Health Laboratories—effective July 1.

The name was easy to change; the move to a new computer network, emails, website, etc. is more challenging and will not be completed until after September. Until that time, laboratory information and staff may be contacted through the DES website.

Please note that the quality of the laboratory tests has not changed, nor are there any plans to change the kinds of tests or services offered. The lab staff, phone numbers and email addresses, web links as well as test fees remain the same. The most notable change for the moment is a new address to which to send samples and to remit payment for invoices. Lab staff continue to be available to answer all questions and concerns relative to test results and requirements. Reports that are currently electronically sent to the DES Drinking Water and Groundwater Bureau will continue to do so and appropriate reports will automatically be imported into the Environmental Monitoring Database. While the laboratory transitions to a new server, all current DES web links to the laboratory are functional for information and for ordering test kits.

Lean project improves rulemaking process

An unusual Lean project in 2010 has resulted in revisions to the statutory rule-making process in 2011. The project is believed to be the first in the country in which employees of both the executive and legislative branches participated to try to “lean” a process affecting both branches. Participants examined the first part of the formal rulemaking process, before proposed rules are reviewed by the Joint Legislative Committee on Administrative Rules (JLCAR). Many of the resulting recommendations to improve the process and facilitate public participation were included in SB 161, enacted as Laws of 2011, Ch. 252 (effective September 11, 2011).

One change championed by DES will legitimize public review and comment on proposed revisions to an initial proposal before an agency files a final proposal for JLCAR review. Under the current process, the only “official” opportunity for the public to comment on any changes made by an agency from the initial proposal to the final proposal is at the JLCAR hearing. Under the new process, the agency can prepare a draft final proposal and solicit public comment on it, and even may hold an additional public hearing. Depending on the comments on the draft final proposal, the agency can further revise the rules before filing the finished final proposal. Preparing a draft final proposal and seeking additional comment is not mandatory; the agency must decide whether the comments and revisions warrant the additional step. In cases where significant changes to the initial proposal are made, though, this will provide an additional opportunity for public input.