



STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR

CHRISTOPHER T. SUNUNU
Governor

January 5, 2017

RE: Executive Branch Regulatory Review

Dear Department Commissioners and Agency Heads:

I am looking forward to working with each of you to maximize the Executive Branch's service to the people of New Hampshire by creating an efficient, coherent and consistent regulatory framework. We all recognize that government regulations are intended to protect and promote the public health, safety, or welfare of our state, but that certain regulations may impose unnecessary burdens and costs on our state's citizens and businesses. It is therefore necessary for the Executive Branch to undertake a comprehensive review of the State's regulations in order to ensure that State Government is operating as efficiently and effectively as possible.

With the above in mind, I hereby request that each agency, department, board, commission, authority, or other body within the Executive Branch authorized by law to make rules (hereafter "Agency") take the following steps:

- 1) Immediately establish a pause on any proposed adoption, amendment, readoption, or readoption with amendment of administrative rules until March 31, 2017. This does not apply to any such proposed rulemaking mandated by law to be adopted before this date or which are immediately essential to the public, health, safety or welfare;
- 2) Promptly undertake a review of each and every regulation under the Agency's jurisdiction that is currently being proposed or that is published in the New Hampshire Code of Administrative Rules; and
- 3) Prepare a report, to be submitted to Governor and Council by March 31, 2017, with copies to the Senate President, Speaker of the House and Chair and Vice-Chair of the Joint Legislative Committee on Administrative Rules. The report should both (i) outline each existing and proposed regulation under the Agency's jurisdiction and (ii) provide an evaluation as to whether the existing or proposed regulation is mandated by law or is essential to the public health, safety, or welfare. In order to find that a regulation is essential to the health, safety or welfare, an Agency should be able to demonstrate, after considering its own review and input from the public, that:
 - a) there is a clear need for the regulation that is best addressed by the Agency and not another Agency or governmental body;
 - b) the costs of the regulation do not exceed the regulation's benefits;

- c) the regulation is the least restrictive or intrusive alternative that will fulfill the need which the regulation addresses;
- d) the regulation does not unduly burden the State's citizens or businesses, and does not have an unreasonably adverse effect on the State's competitive business environment; and
- e) the effectiveness of the regulation can be reasonably and periodically measured, and that there is a process in place to accomplish the same.

Upon the completion of the above three steps, I further ask that each Agency act immediately to repeal or suspend the adoption of all existing or proposed regulations that the Agency finds are neither mandated by law nor essential to the public health, safety or welfare under the criteria set forth above.

Both I and my staff look forward to working with each of you and the public over the next 90 days to undertake this regulatory review, the outcome of which will determine the need for further executive or legislative action. Please direct any questions concerning the requests and processes outlined in this letter to my legal counsel, John Formella, at 603-271-2121 or john.formella@nh.gov.

Yours sincerely,



Christopher T. Sununu
Governor

Cc: Executive Council
Hon. Chuck Morse
Hon. Shawn Jasper
Hon. John Reagan
Hon. Carole McGuire