



STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
DIVISION of PARKS and RECREATION

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April 16, 2013

The Honorable Shannon Chandley, Chair  
and the House Resources, Recreation and Development Committee  
NH Legislative Office Building, Room 305  
Concord, NH 03301

**Re: SB 14 relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.**

Dear Chair Chandley and Members of the Committee,

Thank you for the opportunity to provide testimony on Senate Bill 14 that would eliminate the repeal date of certain rulemaking authority of the Department of Resource and Economic Development (DRED) and would increase the percentage of administrative fines collected that municipalities may retain. This bill is a request of the Department and we fully support SB 14.

The bill would eliminate the repeal date of June 30, 2013, and enable the Department to uphold the following statutory authority:

1. To impose administrative fines;
2. To charge administrative rule offenses as a violation; and
3. To enter into agreements with local municipalities for enforcement assistance of DRED rules on DRED properties.
4. To enable municipalities under agreement with DRED to retain 100 percent of any fine collected.

Currently, the Department is authorized to charge a person who has violated administrative rule with a violation. The repeal of this authority would make rule offenses, including such actions as littering and disobeying quiet hours in campgrounds, a criminal misdemeanor. Such charge is not compensatory to the offense, and is less likely to be enforced by local law enforcement or the agency.

Further, the Department is currently authorized to impose fines for rule violations (again, rather than charging with a misdemeanor), and to enter into agreements with local police departments in order to obtain enforcement assistance on Department lands. These enabling statutes are also set for repeal.

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Representative S. Chandley, Chair, Resources, Recreation and Development Committee

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We recognize that DRED properties and State Parks add value to the local community, but also may put additional pressure on local law enforcement and emergency response resources. We acknowledge that our administrative rules are generally more restrictive than other regulations; therefore they can serve as an important tool to regulate behavior and conduct on state lands. DRED's statutory authority to partner with local law enforcement and to share in any fines collected is essential to our effectiveness in upholding administrative rules and building positive relationships with the municipality.

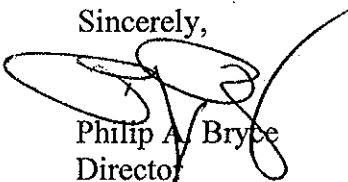
For example, the Department entered into agreements with the Towns of Campton, Holderness and Plymouth for enforcement and patrol assistance at Livermore Falls State Forest, an unstaffed property where problems with underage drinking and other dangerous activities have caused numerous injuries and even drownings. This partnership has fostered improved communications and formalized collaborative action.

We are in the process of agreement with the Town of New Castle for assistance at Fort Stark State Historic Site to reduce underage drinking and vandalism to the historic structures.

By enabling municipalities under agreement with DRED to retain 100 percent of fines collected rather than the 50% will ease the administrative burden of both the State and municipalities and provide some revenue back to the community.

We strongly support SB 14 to keep intact these enforcement efforts. We are available to answer any questions you may have on this bill. Thank you for the opportunity to testify in support of this legislation.

Sincerely,



Philip A. Bryce  
Director

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C: Jeffrey J. Rose, Commissioner  
Brad Simpkins, Interim Director, Division of Forests and Lands