



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

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January 16, 2013

The Honorable Russell Prescott, Chairman
and the Senate Energy and Natural Resources Committee
NH Legislative Office Building, Room 101
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 Chairman Prescott 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. 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 continue 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.

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.

Further, the Department is authorized to impose fines for rule violations, 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.

We recognize that DRED properties and State Parks add value to the local community, but also a burden for which DRED may provide needed tools. We acknowledge that our administrative rules are more restrictive than local ordinance, as they 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.

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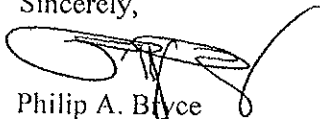
Senator R. Prescott, Chairman, Energy and Natural Resources Committee

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We strongly support SB 14 and the elimination of the repeal date on the Department's rulemaking authority 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,

A handwritten signature in black ink, appearing to read "Philip A. Bryce", with a large, sweeping flourish extending to the right.

Philip A. Bryce
Acting Commissioner

PAB/ttl.011513

C: Brad Simpkins, Interim Director, Division of Forests and Lands
Gail A. Wolek, Deputy Director, Division of Parks and Recreation