

LEGISLATIVE COMMITTEE MINUTES

SB14

Bill as Introduced

SB 14 - AS INTRODUCED

2013 SESSION

13-0392
06/10

SENATE BILL

14

AN ACT

relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

SPONSORS:

Sen. Stiles, Dist 24; Sen. Odell, Dist 8; Rep. Renzullo, Hills 37; Rep. Borden, Rock 24; Rep. Muns, Rock 21

COMMITTEE:

Energy and Natural Resources

ANALYSIS

This bill repeals the prospective repeal of the authority of the department of resources and economic development to adopt rules on assessing administrative fines.

Explanation:

Matter added to current law appears in *bold italics*.

Matter removed from current law appears [~~in brackets and struck through~~].

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the rulemaking authority of and administrative fine authority for the
 department of resources and economic development.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Repeal. 2010, 230:10-12, relative to repealing administrative fines; and rulemaking authority
- 2 by the department of resources and economic development, are repealed.
- 3 2 Effective Date. This act shall take effect June 27, 2013.

SB 14 - AS AMENDED BY THE SENATE

02/14/13 0226s

2013 SESSION

13-0392
06/10

SENATE BILL **14**

AN ACT relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

SPONSORS: Sen. Stiles, Dist 24; Sen. Odell, Dist 8; Rep. Renzullo, Hills 37; Rep. Borden, Rock 24; Rep. Muns, Rock 21

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill:

I. Repeals the prospective repeal of the authority of the department of resources and economic development to adopt rules on assessing administrative fines.

II. Increases the percentage of administrative fines collected in accordance with the schedule of administrative fines of the department of resources and economic development that municipalities may retain.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 14 – AS AMENDED BY THE SENATE

02/14/13 0226s

13-0392
06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the rulemaking authority of and administrative fine authority for the
department of resources and economic development.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 Repeal. 2010, 230:10-12, relative to repealing administrative fines; and rulemaking authority
2 by the department of resources and economic development, are repealed.
- 3 2 Department of Resources and Economic Development; Police Powers. Amend RSA 12-A:1-d, II
4 to read as follows:
- 5 II. By written agreement executed by the commissioner of the department of resources and
6 economic development, any authorized municipal official may utilize the summons procedures under
7 RSA 31:39-d to cite individuals for violations of state park administrative rules or forests and lands
8 administrative rules, or both. Authorized municipalities acting under this paragraph shall retain
9 [50] **100** percent of any fine collected in accordance with the schedule of administrative fines of the
10 department of resources and economic development.
- 11 3 Effective Date. This act shall take effect June 27, 2013.

CHAPTER 166

SB 14 - FINAL VERSION

02/14/13 0226s

2013 SESSION

13-0392 06/10

SENATE BILL *14*

AN ACT relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

SPONSORS: Sen. Stiles, Dist 24; Sen. Odell, Dist 8; Rep. Renzullo, Hills 37; Rep. Borden, Rock 24; Rep. Muns, Rock 21

COMMITTEE: Energy and Natural Resources

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- II. Increases the percentage of administrative fines collected in accordance with the schedule of administrative fines of the department of resources and economic development that municipalities may retain.

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02/14/13 0226s

13-0392

06/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

Be it Enacted by the Senate and House of Representatives in General Court convened:

166:1 Repeal. 2010, 230:10-12, relative to repealing administrative fines; and rulemaking authority by the department of resources and economic development, are repealed.

166:2 Department of Resources and Economic Development; Police Powers. Amend RSA 12-A:1-d, II to read as follows:

II. By written agreement executed by the commissioner of the department of resources and economic development, any authorized municipal official may utilize the summons procedures under RSA 31:39-d to cite individuals for violations of state park administrative rules or forests and lands administrative rules, or both. Authorized municipalities acting under this paragraph shall retain ~~[50]~~ **100** percent of any fine collected in accordance with the schedule of administrative fines of the department of resources and economic development.

166:3 Effective Date. This act shall take effect June 27, 2013.

Approved: July 1, 2013

Effective Date: June 27, 2013

SB 14 – VERSION ADOPTED BY BOTH BODIES

02/14/13 0226s

2013 SESSION

13-0392 06/10

SENATE BILL 14

AN ACT relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

SPONSORS: Sen. Stiles, Dist 24; Sen. Odell, Dist 8; Rep. Renzullo, Hills 37; Rep. Borden, Rock 24; Rep. Muns, Rock 21

COMMITTEE: Energy and Natural Resources

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This bill:

I. Repeals the prospective repeal of the authority of the department of resources and economic development to adopt rules on assessing administrative fines.

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02/14/13 0226s

13-0392

06/10

STATE OF NEW HAMPSHIRE

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AN ACT relative to the rulemaking authority of and administrative fine authority for

the department of resources and economic development.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Repeal. 2010, 230:10-12, relative to repealing administrative fines; and rulemaking authority by the department of resources and economic development, are repealed.

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3 Effective Date. This act shall take effect June 27, 2013.

LBAO

13-0392 Amended 03/01/13

SB 14 FISCAL NOTE

AN ACT relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, **as amended by the Senate (Amendment #2013-0226s)**, has a total fiscal impact of less than \$10,000 in each of the fiscal years 2013 through 2017.

SB 14 FISCAL NOTE

AN ACT relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

FISCAL IMPACT:

The Legislative Budget Assistant has determined that this legislation, as amended by the Senate (Amendment #2013-0226s), has a total fiscal impact of less than \$10,000 in each of the fiscal years 2013 through 2017.

Amendments

Sen. Stiles, Dist. 24
January 18, 2013
2013-0025s
06/10



Amendment to SB 14

1 Amend the bill by replacing all after section 1 with the following:

2

3 2 Department of Resources and Economic Development; Police Powers. Amend RSA 12-A:1-d, II
4 to read as follows:

5 II. By written agreement executed by the commissioner of the department of resources and
6 economic development, any authorized municipal official may utilize the summons procedures under
7 RSA 31:39-d to cite individuals for violations of state park administrative rules or forests and lands
8 administrative rules, or both. Authorized municipalities acting under this paragraph shall retain
9 [50] 100 percent of any fine collected in accordance with the schedule of administrative fines of the
10 department of resources and economic development.

11 3 Effective Date. This act shall take effect June 27, 2013.



2013-0025s

AMENDED ANALYSIS

This bill:

I. Repeals the prospective repeal of the authority of the department of resources and economic development to adopt rules on assessing administrative fines.

II. Increases the percentage of administrative fines collected in accordance with the schedule of administrative fines of the department of resources and economic development that municipalities may retain.

Amendment to SB 14

1 Amend the bill by replacing all after section 1 with the following:

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3 2 Department of Resources and Economic Development; Police Powers. Amend RSA 12-A:1-d, II
4 to read as follows:

5 II. By written agreement executed by the commissioner of the department of resources and
6 economic development, any authorized municipal official may utilize the summons procedures under
7 RSA 31:39-d to cite individuals for violations of state park administrative rules or forests and lands
8 administrative rules, or both. Authorized municipalities acting under this paragraph shall retain
9 [50] 100 percent of any fine collected in accordance with the schedule of administrative fines of the
10 department of resources and economic development.

11 3 Effective Date. This act shall take effect June 27, 2013.

2013-0226s

AMENDED ANALYSIS

This bill:

I. Repeals the prospective repeal of the authority of the department of resources and economic development to adopt rules on assessing administrative fines.

II. Increases the percentage of administrative fines collected in accordance with the schedule of administrative fines of the department of resources and economic development that municipalities may retain.

Committee Minutes

**SENATE CALENDAR NOTICE
ENERGY AND NATURAL RESOURCES**

Senator Russell Prescott Chairman
Senator Bob Odell V Chairman
Senator Jeb Bradley
Senator Martha Fuller Clark
Senator Jeff Woodburn

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/>
	Bill Status

Date: January 10, 2013

HEARINGS

Wednesday

1/16/2013

ENERGY AND NATURAL RESOURCES

LOB 101

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM SB14

relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

9:15 AM SB16

relative to the taking of red deer or elk.

Sponsors:

SB14

Sen. Nancy Stiles
Rep. Chris Muns

Sen. Bob Odell

Rep. Andrew Renzullo

Rep. David Borden

SB16

Sen. Sam Cataldo

Rep. Carol McGuire

Energy and Natural Resources Committee

Hearing Report

TO: Members of the Senate

FROM: Chris Cote, Legislative Aide

RE: Hearing report on SB 14 – relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

HEARING DATE: 1.16.13

Open: 9:00

Closed: 9:13

MEMBERS OF THE COMMITTEE PRESENT: Senators Prescott, Fuller Clark, Odell, and Woodburn

MEMBERS OF THE COMMITTEE ABSENT: Senator Bradley

Sponsor(s): Sen. Stiles, Dist 24; Sen. Odell, Dist 8; Rep. Renzullo, Hills 37; Rep. Borden, Rock 24; Rep. Muns, Rock 21

What the bill does: This bill repeals the prospective repeal of the authority of the department of resources and economic development to adopt rules on assessing administrative fines.

Who supports the bill: Senator Stiles, Philip Bryce DRED, Brad Simpkins DRED, Rep. Dave Borden, Jason Stock NH Timberland Owners Assoc. Rep. Chris Munns

Who opposes the bill: none present

Summary of testimony received:

Senator Stiles (support):

- This bill comes from a 2010 pilot program where the objectives were largely met
- This bill removes the sunset of the previous bill and allows certain partnerships between state and local governments to continue

Phil Bryce then testified along with Brad Simpkins on DRED's position

- DRED is in full support
- This bill would allow the current statutory authority to continue

- This bill allows the continuation of administrative fines and charging administrative rule offenses as a violation
- Continue the ability of DRED to enter into agreements with local municipalities for enforcement assistance of DRED rules on DRED properties
- Working with local law enforcement (LE) agencies would benefit DRED with enforcement, and provide funding to local LE agencies
- Want 100% of fines and fees to go to local LE
- Phil Bryce also clarified that currently DRED is completing their rules and should have fines in place shortly covering administrative functions and agreements with local LE
- Phil Bryce testified that many local LE agencies have high costs associated with DRED properties

Future Action:
Under advisement

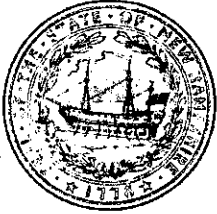
CSC

[file: SB14 report]

Date: 1.23.13

Speakers

Testimony



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

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856
 PHONE: (603) 271-3556 FAX: (603) 271-3553 E-MAIL: nhparks@dred.state.nh.us
 WEB: www.nhstateparks.org

*Chrs
Board*

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.

7000 local town Dept

TDD ACCESS: RELAY NH 1-800-735-2964



January 16, 2013

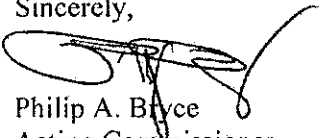
Senator R. Prescott, Chairman, Energy and Natural Resources Committee

Page 2

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,



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

~~SKI~~ Saborn 951
A land

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: 2.6.13

THE COMMITTEE ON Energy and Natural Resources
to which was referred Senate Bill 14

AN ACT relative to the rulemaking authority of and
 administrative fine authority for the department of
 resources and economic development.

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 4-0

AMENDMENT # 0226s

Senator Bob Odell
For the Committee

Chris Cote 271-3067

New Hampshire General Court - Bill Status System

Docket of SB14

Docket Abbreviations

Bill Title: relative to the rulemaking authority of and administrative fine authority for the department of resources and economic development.

Official Docket of SB14:

Date	Body	Description
1/3/2013	S	Introduced and Referred to Energy & Natural Resources; SJ 4
1/10/2013	S	Hearing: 1/16/13, Room 101, LOB, 9:00 a.m.; SC4
2/6/2013	S	Committee Report: Ought to Pass with Amendment # 2013-0226s , 2/14/13; SC8
2/14/2013	S	Chair Ruled Non-Germane Amendment
2/14/2013	S	Without Objection Rule 3-7 is Suspended to Allow Non-Germane Amendment 0226s, 2/3 necessary, MA
2/14/2013	S	Committee Amendment 0226s, AA, VV
2/14/2013	S	Ought to Pass with Amendment 0226s, MA, VV; Refer to Finance Rule 4-3
3/6/2013	S	Committee Report: Ought to Pass, 3/14/13; SC11
3/14/2013	S	Ought to Pass: MA, VV; OT3rdg; SJ 7
3/27/2013	H	Introduced and Referred to Executive Departments and Administration; HJ31 , PG.1073
4/3/2013	H	Vacated from Executive Departments and Administration; HJ35 , PG.1126
4/3/2013	H	Referred to Resources, Recreation and Development; HJ35 , PG.1126
4/10/2013	H	Public Hearing: 4/16/2013 10:45 AM LOB 305
4/17/2013	H	Executive Session: 4/24/2013 1:00 PM LOB 305 ==Or One Hour Following House Session==
5/1/2013	H	Committee Report: Ought to Pass for May 8 (Vote 18-1; CC); HC36 , PG.1199
5/8/2013	H	Ought to Pass: MA VV; HJ41 , PG.1392
5/8/2013	H	Referred to Ways and Means; HJ41 , PG.1392
5/15/2013	H	Public Hearing: 5/21/2013 10:00 AM LOB 202
5/22/2013	H	Executive Session: 5/28/2013 10:00 AM LOB 202
5/29/2013	H	Committee Report: Ought to Pass for June 5 (Vote 12-0; CC); HC42 , PG.1429
6/5/2013	H	Ought to Pass: MA VV; HJ49 , PG.1574
6/5/2013	H	Enrolled; HJ49 , PG.1654
6/12/2013	S	Enrolled
7/3/2013	S	Signed by the Governor on 07/01/2013; Chapter 0166; Effective 06/27/2013

NH House

NH Senate

Other Referrals

SB 14

COMMITTEE REPORT FILE INVENTORY

_____ ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

- cc DOCKET (Submit only the latest docket found in Bill Status)
- cc COMMITTEE REPORT
- cc CALENDAR NOTICE
- cc HEARING REPORT
- cc HANDOUTS FROM THE PUBLIC HEARING
- cc PREPARED TESTIMONY AND OTHER SUBMISSIONS
- cc SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

cc - AMENDMENT # 02265 _____ - AMENDMENT # _____
cc - AMENDMENT # 00255 _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

cc AS INTRODUCED _____ AS AMENDED BY THE HOUSE
cc FINAL VERSION cc AS AMENDED BY THE SENATE

_____ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK 8.8.13 Chen Cat

 BY COMMITTEE AIDE