

N.H. Rivers Management Advisory Committee

February 8, 2011

The Honorable Carol McGuire, Chair
House Executive Departments and Administration Committee
Legislative Office Building, Room 301
Concord, NH 03301

RE: HB 239: An Act prohibiting a state agency from establishing a fee without legislative approval.

Dear Chair McGuire and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its opposition to House Bill 239 that would prohibit a state agency from establishing a fee without legislative approval.

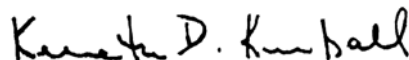
The RMAC is a legislatively created body charged to work with the NH Department of Environmental Services (DES) on the administration of RSA 483, the Rivers Management and Protection Program (RMPP). The Governor and Council appointed Committee is comprised of members from the business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing legislation relevant to the RMPP and with advising the DES Commissioner on the merits of such legislation.

The RMAC's opposition is based on the understanding of the following: many of the fees related to DES programs currently exist in statute and thus already require legislative approval; those fees not in statute exist in administrative rules which must go through a public process in order to be amended or readopted; and, those fees not established in statute or by administrative rule are related to programs charging fees for a specific service rendered. This bill will create an increase in bureaucracy and unnecessary burden on DES programs by increasing the level of staff time dedicated to establishing or changing fees for programs with fees that exist outside of statute. Given the increased emphasis on efficiency in state government agencies this bill will actually result in the opposite by taking agency staff time away from other activities mandated by the state.

In conclusion, the RMAC unanimously opposes House Bill 239, which would prohibit a state agency from establishing a fee without legislative approval.

If you have further questions, please feel free to contact me at (603) 466-8149 or kkimball@outdoors.org.

Sincerely,



Kenneth D. Kimball, Ph.D., Chairman
Rivers Management Advisory Committee

Voting Members:

Kenneth D. Kimball
Chair
Recreational
Interests

Michele L. Tremblay
Vice Chair
Conservation
Community

VACANT
Agricultural
Community

Donald L. Ware
Public
Water Suppliers

James W. Ryan
NH Fish & Game
Commission

Allan G. Palmer
Business & Industry
Association

Gary L. Kerr
Granite State
Hydropower
Association

Larry T. Spencer
Conservation
Commissions

Anne Krantz
Historic/Archeological
Interests

Fredrick J. McNeill
Municipal
Officer

Kathryn P. Nelson
Local River
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Non-Voting Members:

Jennifer Czys
NH Office of
Energy & Planning

Johanna Lyons
NH Department of
Resources and
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John Magee
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Kevin Nyhan
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**Gail McWilliam
Jellie**
NH Department of
Agriculture,
Markets & Food

Lance Harbour
NH Department of
Safety

Staff:

Steven M. Couture
Rivers Coordinator
NH Department of
Environmental
Services

cc:

Representative Ulrey
Representative Renzullo
RMAC members *(via email)*
Tom Burack, Commissioner, DES *(via email)*
Mike Walls, Assistant Commission, DES *(via email)*
Harry Stewart, Director, Water Division, DES *(via email)*
Paul Currier, Administrator, WMB, DES *(via email)*
Steven M. Couture, Rivers Coordinator, DES *(via email)*
Charlie Ryan, Chair, Ammonoosuc River LAC *(via email)*
Barbara Skuly, Chair, Ashuelot River LAC *(via email)*
Rick Healey, Chair, Cocheco River LAC *(via email)*
Jenny Polcari, Co-Chair, Cold River LAC *(via email)*
Theresa Darling, Business Manager, Connecticut River Joint Commission *(via email)*
Michelle Hamm, Chair Contoocook River LAC *(via email)*
Don Clement, Chair, Exeter River LAC *(via email)*
Liz Evans, Chair, Isinglass River LAC *(via email)*
Sarah Callaghan, Chair, Lamprey River LAC *(via email)*
Bob Robbins, Chair, Lower Merrimack River LAC *(via email)*
Max Stamp, Chair, Pemigewasset River LAC *(via email)*
Dick Ludders, Chair, Piscataquog River LAC *(via email)*
George May, Chair, Souhegan River LAC *(via email)*
Robert Parrish, Chair, Swift River LAC *(via email)*
Michele L. Tremblay, Chair, Upper Merrimack LAC *(via email)*

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<http://des.nh.gov/organization/divisions/water/wmb/rivers/rmac/index.htm>

