

Senate Energy and Natural Resources Committee

Joshua Schauer 271-3077

HB 1199, enabling the fish and game department to create a permit and fee for the use of fish and game staff by other state agencies and departments.

Hearing Date: March 10, 2026

Time Opened: 9:00 a.m.

Time Closed: 9:16 a.m.

Members of the Committee Present: Senators Avard, Pearl, McConkey, Watters and Rosenwald

Members of the Committee Absent : None

Bill Analysis: This bill enables the fish and game department to create a permit and fee for the use of fish and game staff by other state agencies and departments.

Sponsors:

Rep. Spillane

Rep. Darby

Rep. DeVito

Rep. Erf

Rep. Moffett

Rep. Ouellet

Rep. Ulery

Sen. Innis

Sen. Pearl

Sen. Watters

Who supports the bill: 12 individuals signed in Support of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Who opposes the bill: 2 individuals signed in Opposition of the legislation. Please contact Joshua.Schauer@gc.nh.gov for more information.

Summary of testimony presented:

Representative Sayra DeVito, Rockingham 8

- Representative DeVito, serving as a cosponsor, introduced the bill on behalf of Representative Spillane and explained the purpose and intent of the legislation to the committee.
- She described the bill as a straightforward proposal that identifies and addresses a gap in accountability within current law, particularly related to how certain activities overseen by the Fish and Game Department are permitted and funded.

- Under existing law, the Fish and Game Department has limited authority to issue permits and collect associated fees for certain activities, which can create administrative challenges and reduce the department’s ability to properly oversee those activities.
- House Bill 1199 provides the department with the authority to issue permits and collect the corresponding fees, ensuring that the costs associated with these activities are covered and that the department is not required to subsidize them with other funds.
- She said that the Fish and Game Department supports the legislation, and the measure ultimately passed unanimously, reflecting broad agreement that the bill provides a practical fix to the identified issue.

Senator Rosenwald asked for clarification regarding the language on page 2, line 24, specifically the reference to “unrestricted funds.” She asked whether the provision meant that five percent of the funds would go to the state’s general fund or remain as unrestricted funds within the Fish and Game Department.

Ms. DeVito responded that she was not entirely certain but believed the funds would remain with the Fish and Game Department rather than being directed to the general fund.

Senator Pearl added clarification, stating his understanding that the funds would in fact remain with Fish and Game.

Senator Watters then referred to language at approximately line 206:38 concerning the authority of the executive director and asked whether the provision would ensure that the funds stayed with Fish and Game rather than being transferred to the general fund. Ms. DeVito again noted that she was not completely certain but believed that the funds were intended to remain within the department.

Senator Rosenwald followed up by asking directly about the intent of the legislation and whether the intent was for the funds to stay with the Fish and Game Department. Ms. DeVito confirmed that this was the intent of the bill.

Senator Watters also asked about the overall flow of funds under the proposal, noting that the bill specifies certain percentages but questioning the size of the fund and how much funding would ultimately remain available. Representative DeVito said she did not have those figures available but would follow up with the Fish and Game Department to provide additional information.

Melissa Nemeth, NH Fish and Games

- Ms. Nemeth expressed strong support for the legislation and outlined several provisions intended to improve the operations and long-term sustainability of the Fish and Game Department.
- She explained that the first section of the bill would allow the department to provide its expertise and technical services to other agencies or entities and charge a fee for those services, enabling the department to recover costs associated with staff time, resources, and support provided.

- The legislation would also allow the department to formalize these arrangements through memoranda of understanding (MOUs), which would outline details such as the number of staff hours involved, the frequency of services provided, and the associated costs.
- She added that the second proposed change relates to the discounted lifetime license available for infants. Under the current process, families must obtain the license before a child turns one year old, and the department noted that many families come in on the child's first birthday expecting to qualify. The department would like to amend the language to allow children who have just turned one year old to obtain the lifetime license at the discounted rate on their birthday.
- The bill would also establish a Fish and Game Sustainability Account, allowing up to \$600,000 from the prepaid license fund from FY27 and FY28 to be transferred into the new account while requiring that the balance not fall below \$1 million. Then in FY29, approximately \$50,000 would be appropriated to support the initiative, and the funds would be restricted for purposes such as research and development, digital and operational infrastructure improvements, public education, and investments in a new customer relationship system to support the long-term sustainability of the department.

Senator Avard asked for clarification about the bill's reference to "unrestricted funds."

Ms. Nemeth explained that the language was intended to provide clarity and that, under RSA 206:38, the executive director would have discretion to spend those funds with commission approval. In this context, "unrestricted" means the funds would not be limited to a specific statutory purpose and could be used at the department's discretion.

Senator Watters asked about line 24 and proposed moving the word "*unrestricted*" to appear before "*expenditure*," so the language would read: "funds available for unrestricted expenditure for any lawful purpose otherwise authorized under RSA 206:38." He explained that the change would have effectively moved the funds into the general funds structure.

Ms. Nemeth confirmed that this was correct and stated that the amendment reflected the intended purpose. She added that the funds would have remained in the account, but the department's ability to use the expenditures would not have been restricted.

Senator Rosenwald asked about the purpose of the bill regarding reimbursements from other agencies, specifically questioning the use of the word "*may*" on line 4, page 1. She noted that it doesn't require reimbursements.

Ms. Nemeth responded that reimbursement procedures would be addressed in rulemaking.

Senator Watters asked whether it was fair to say that Fish and Game already had arrangements with other departments, and whether this approach provided flexibility.

Ms. Nemeth confirmed, adding that if there is an MOU, the department would not charge a fee, as the rules would clarify these situations.

Senator Rosenwald expressed concern about whether the bill allows the department to set rules freely, potentially “giving up” their constitutional authority, since there are no clear parameters for when fees would be charged.

Ms. Nemeth replied that the parameters would be set during rulemaking.

Senator Rosenwald noted that the phrase “*not limited to*” gives the department discretion to charge fees at any time.

Ms. Nemeth agreed, saying the department would have flexibility.

Senator Rosenwald emphasized that the language in the bill should provide policy guidance to the committee, rather than leaving decisions entirely up to rulemaking.

Senator Watters followed up, asking about Fish and Game and their existing methods of charging fees.

Ms. Nemeth said yes.