

Bill as Introduced

HB 1462 – AS INTRODUCED

2010 SESSION

10-2146
06/05

HOUSE BILL

1462

AN ACT

establishing a shoreland advisory council.

SPONSORS:

Rep. Stiles, Rock 15; Rep. Borden, Rock 18; Rep. Boyce, Belk 5; Rep. O'Neil, Hills 19; Sen. Fuller Clark, Dist 24; Sen. Bradley, Dist 3; Sen. Hassan, Dist 23; Sen. Odell, Dist 8

COMMITTEE:

Resources, Recreation and Development

ANALYSIS

This bill establishes a shoreland advisory council.

Explanation:

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

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

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a shoreland advisory council.

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

1 1 New Subparagraph; Application of Receipts. Amend RSA 6:12, I by inserting after
2 subparagraph (299) the following new subparagraph:

3 (300) Moneys received from the shoreland advisory council fund established under
4 RSA 483-B:21.

5 2 New Section; Shoreland Advisory Council Established Amend RSA 483-B by inserting after
6 section 20 the following new section:

7 483-B:21 Shoreland Advisory Council. There is established a shoreland advisory council
8 appointed by the governor and council. All members shall be New Hampshire residents and the
9 governor and council shall request that nominating organizations select nominees representing
10 diverse geographic areas of the state who are also waterfront property owners, whenever possible.
11 The primary focus of this council is to address residential shorefront owner input and perspective
12 relating to shoreland development regulated under the comprehensive shoreland protection act
13 under this chapter and the regulation of shoreline structures under RSA 482-A.

14 I. The advisory council shall include:

15 (a) A planning board representative nominated by the New Hampshire Municipal
16 Association.

17 (b) A representative of the New Hampshire Association of Natural Resource Scientists
18 chosen from a list of 3 nominees.

19 (c) A representative of the Granite State Designers and Installers chosen from a list of 3
20 nominees.

21 (d) A representative of the New Hampshire Lakes Association chosen from a list of 3
22 nominees.

23 (e) A representative of the New Hampshire Rivers Council chosen from a list of three
24 nominees.

25 (f) A representative of the New Hampshire Association of Realtors chosen from a list of 3
26 nominees.

27 (g) Two representatives of the protected shoreland. These property owners shall be
28 chosen from a list of 4 nominees submitted by the commissioner of the department of environmental
29 services.

30 (h) Five representatives of the protected shoreland. These property owners shall be
31 chosen from a list of 10 nominees submitted by the president of the senate and the speaker of the

1 house of representatives. In their list, the president of the senate and the speaker of the house of
2 representatives shall consider including nominations submitted by the New Hampshire Shorefront
3 Association, the New Hampshire Shoreline Coalition, the New Hampshire Shoreline and Property
4 Rights Guardians, and other organizations whose membership includes owners of shoreline property.
5 There shall be one representative for lakes greater than 1,000 acres, one representative for lakes less
6 than 1,000 acres, one representative for rivers designated under RSA 483, one representative for
7 rivers greater than 4th order, and one representative of tidal areas.

8 (i) A representative of the New Hampshire Home Builders and Remodelers Association
9 chosen from a list of 3 nominees.

10 (j) A representative of the Granite State Landscape Architects chosen from a list of 3
11 nominees.

12 (k) A representative from the department of environmental services who shall serve as a
13 non-voting member of the council.

14 (l) A representative who is a marine contractor or dock builder from a list of 2 nominees
15 provided by the New Hampshire Marine Trades Association.

16 II. The council shall solicit information from other state agencies on an as needed basis.

17 III. The members shall serve until the repeal of the council.

18 IV. Any vacancy shall be filled in the same manner as the original appointment. Members
19 may hold office until their successors are appointed and confirmed.

20 V. The representative of the department of environmental services shall call the first
21 meeting 90 days after adoption as long as the majority of appointments have been confirmed. Nine
22 members shall constitute a quorum. At its first meeting the council shall elect a chairperson, vice
23 chairperson, and secretary. Subsequent meetings shall be at the call of the chair, or at the request of
24 5 or more council members.

25 (a) The council shall meet a minimum of 4 times per year.

26 (b) The council secretary shall contact the chair of the senate energy, environment and
27 economic development committee and the chair of the house resources, recreation and development
28 committee to post scheduled meetings and public hearing times and places in the legislative
29 calendars.

30 VI. The council shall consult with and advise the commissioner of the department of
31 environmental services, on a continuing basis, with respect to the policy, programs, goals, and
32 operations of the department as they relate to the impact and implementation of the comprehensive
33 shoreland protection act under this chapter and the regulation of shoreline structures under
34 RSA 482-A. In order to accomplish these purposes, the council may:

35 (a) Perform field evaluation of particular situations and issues.

36 (b) Identify issues that need clarification or modification in the rules and statutes.

37 (c) Prepare written comment for the commissioner to suggest potential rules changes.

1 (d) Prepare written comment for the commissioner to suggest statutory changes.

2 (e) Aid in the design and implementation of outreach strategies and guidance
3 documents.

4 VII. The commissioner of the department of environmental services shall present all
5 proposed rules relative to shoreline structures under RSA 482-A and protected shoreland under this
6 chapter to the council for consideration and comment prior to filing a notice of proposed rule making
7 under RSA 541-A:6. The council shall present any objections to proposed rules to the commissioner
8 in writing within 30 days. The commissioner may adopt a rule to which the council has objected only
9 after presenting a written reply to the council detailing the reasons for adopting the rule over the
10 objections of the council.

11 VIII. There is hereby established in the office of the state treasurer a fund to be known as
12 the shoreland advisory council fund which shall be kept separate and distinct from all other funds
13 and shall be continually appropriated to the council. Such fund shall be the depository for all
14 financial gifts, grants, or donations made to the council. Expenses incurred shall be paid from such
15 fund and will not exceed receipts. Any moneys in such fund shall lapse into the general fund at the
16 repeal of the council.

17 3 Repeal. RSA 483-B:21, relative to the shoreland advisory council, is repealed.

18 4 Effective Date.

19 I. Section 3 of this act shall take effect December 31, 2015.

20 II. The remainder of this act shall take effect upon its passage.

HB 1462 - AS AMENDED BY THE HOUSE

10Feb2010... 0424h

2010 SESSION

10-2146
06/05

HOUSE BILL **1462**

AN ACT establishing a shoreland advisory committee.

SPONSORS: Rep. Stiles, Rock 15; Rep. Borden, Rock 18; Rep. Boyce, Belk 5; Rep. O'Neil, Hills 19; Sen. Fuller Clark, Dist 24; Sen. Bradley, Dist 3; Sen. Hassan, Dist 23; Sen. Odell, Dist 8

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill requires the department of environmental services to establish a shoreland advisory committee.

.....

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 Ten

AN ACT establishing a shoreland advisory committee.

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

1 1 New Section; Shoreland Advisory Committee Established Amend RSA 483-B by inserting
2 after section 20 the following new section:

3 483-B:21 Shoreland Advisory Committee. The department of environmental services shall
4 establish an ad hoc committee to address residential shorefront owner input and perspective relating
5 to the regulation of shoreland development under this chapter and the regulation of shoreline
6 structures under RSA 482-A.

7 I. The advisory committee shall consist of owners of property within the protected shoreland.

8 II. Membership shall represent lakes of under 1,000 acres, lakes of over 1,000 acres, rivers of
9 fourth order or above, and tidal shoreland. There shall be 2 members from each of the 10 counties.

10 III. The council shall meet at least 4 times per year.

11 2 Effective Date. This act shall take effect upon its passage.

CHAPTER 306
HB 1462 - FINAL VERSION

10Feb2010... 0424h
05/12/10 1948s
02Jun2010... 2264cofc
02Jun2010... 2420eba

2010 SESSION

10-2146
06/05

HOUSE BILL ***1462***

AN ACT establishing a shoreland advisory committee.

SPONSORS: Rep. Stiles, Rock 15; Rep. Borden, Rock 18; Rep. Boyce, Belk 5; Rep. O'Neil,
 Hills 19; Sen. Fuller Clark, Dist 24; Sen. Bradley, Dist 3; Sen. Hassan, Dist 23;
 Sen. Odell, Dist 8

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill establishes a shoreland advisory committee.

Explanation: Matter added to current law appears in ***bold italics***.
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CHAPTER 306
HB 1462 - FINAL VERSION

10Feb2010... 0424h
05/12/10 1948s
02Jun2010... 2264cofc
02Jun2010... 2420eba

10-2146
06/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT establishing a shoreland advisory committee.

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

1 306:1 New Section; Shoreland Advisory Committee Established. Amend RSA 483-B by inserting
2 after section 20 the following new section:

3 483-B:21 Shoreland Advisory Committee. There is established a shoreland advisory committee.
4 All members shall be New Hampshire residents representing diverse geographic areas of the state.
5 The primary focus of this committee is to address residential shorefront owner input and perspective
6 relating to shoreland development regulated under the comprehensive shoreland protection act
7 under this chapter and the regulation of shoreline structures under RSA 482-A.

8 I. The advisory committee shall include:

9 (a) Ten representatives appointed by the governor who own property within the
10 protected shoreland. There shall be 3 representatives for lakes greater than 1,000 acres, 2
11 representatives for lakes less than 1,000 acres, 2 representatives for rivers designated under
12 RSA 483, 2 representatives for rivers greater than fourth order, and one representative for tidal
13 areas. No body of water shall have more than one representative who owns property within its
14 protected shoreland.

15 (b) Ten representatives of the following organizations appointed by the commissioner of
16 the department of environmental services:

17 (1) A representative of a regional planning commission or the office of energy and
18 planning.

19 (2) A representative of the New Hampshire Association of Natural Resource
20 Scientists.

21 (3) A representative of the Granite State Designers and Installers.

22 (4) A representative of the New Hampshire Lakes Association.

23 (5) A representative of the New Hampshire Rivers Council.

24 (6) A representative of the New Hampshire Home Builders and Remodelers
25 Association.

26 (7) A representative of the Granite State Landscape Architects.

CHAPTER 306
HB 1462 – FINAL VERSION
- Page 2 -

1 (8) A representative from the department of environmental services who shall serve
2 as a nonvoting member of the committee.

3 (9) A representative of the New Hampshire Marine Trades Association.

4 (10) A representative of The Nature Conservancy.

5 II. The committee shall solicit information from other state agencies on an as needed basis.

6 III. The members shall serve until December 31, 2013.

7 IV. Any vacancy shall be filled in the same manner as the original appointment.

8 V. The representative of the department of environmental services shall call the first
9 meeting 90 days after the effective date of this section as long as the majority of appointments have
10 been confirmed. Ten members shall constitute a quorum. At its first meeting the committee shall
11 elect a chairperson, vice chairperson, and secretary. Subsequent meetings shall be at the call of the
12 chair, or at the request of 6 or more committee members.

13 (a) The committee shall meet 4 times per year.

14 (b) The committee secretary shall contact the chairman of the senate energy,
15 environment and economic development committee and the chairman of the house resources,
16 recreation and development committee to post scheduled meetings and public hearing times and
17 places in the legislative calendars.

18 VI. The committee shall make suggestions to the commissioner of the department of
19 environmental services relative to the implementation of the comprehensive shoreland protection act
20 under this chapter and the regulation of shoreline structures under RSA 482-A. In order to
21 accomplish these purposes, the committee may:

22 (a) Identify issues that need clarification or modification in the rules and statutes.

23 (b) Prepare written comment for the commissioner to suggest potential rules changes.

24 (c) Prepare written comment for the commissioner to suggest statutory changes.

25 (d) Aid in the design and implementation of outreach strategies and guidance
26 documents.

27 VII. The commissioner of the department of environmental services shall include
28 representation from the committee when a stakeholder group is formed by the department to assist
29 in developing rules relative to shoreline structures under RSA 482-A and the protected shoreland
30 under this chapter. The committee shall present any comments to proposed rules to the
31 commissioner in writing.

32 306:2 Repeal. RSA 483-B:21, relative to the shoreland advisory committee, is repealed.

33 306:3 Effective Date.

34 I. Section 2 of this act shall take effect December 31, 2013.

35 II. The remainder of this act shall take effect upon its passage.

36 Approved: July 13, 2010

CHAPTER 306
HB 1462 - FINAL VERSION
- Page 3 -

- 1 Effective Date: I. Section 2 shall take effect December 31, 2013.
2 II. Remainder shall take effect July 13, 2010

Amendments

Amendment to HB 1462

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a shoreland advisory council.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Section; Shoreland Advisory Council Established Amend RSA 483-B by inserting after
8 section 20 the following new section:

9 483-B:21 Shoreland Advisory Council. There is established a shoreland advisory council
10 appointed by the governor and council. All members shall be New Hampshire residents and the
11 governor and council shall request that nominating organizations select nominees representing
12 diverse geographic areas of the state who are also waterfront property owners, whenever possible.
13 The primary focus of this council is to address residential shorefront owner input and perspective
14 relating to shoreland development regulated under the comprehensive shoreland protection act
15 under this chapter and the regulation of shoreline structures under RSA 482-A.

16 I. The advisory council shall include:

17 (a) A planning board representative nominated by the New Hampshire Municipal
18 Association.

19 (b) A representative of the New Hampshire Association of Natural Resource Scientists
20 chosen from a list of 3 nominees.

21 (c) A representative of the Granite State Designers and Installers chosen from a list of 3
22 nominees.

23 (d) A representative of the New Hampshire Lakes Association chosen from a list of 3
24 nominees.

25 (e) A representative of the New Hampshire Rivers Council chosen from a list of three
26 nominees.

27 (f) A representative of the New Hampshire Association of Realtors chosen from a list of 3
28 nominees.

29 (g) Two representatives of the protected shoreland. These property owners shall be
30 chosen from a list of 4 nominees submitted by the commissioner of the department of environmental
31 services.

32 (h) Five representatives of the protected shoreland. These property owners shall be

Amendment to HB 1462

- Page 2 -

1 chosen from a list of 10 nominees submitted by the president of the senate and the speaker of the
2 house of representatives. There shall be one representative for lakes greater than 1,000 acres, one
3 representative for lakes less than 1,000 acres, one representative for rivers designated under RSA
4 483, one representative for rivers greater than fourth order, and one representative for tidal areas.

5 (i) A representative of the New Hampshire Home Builders and Remodelers Association
6 chosen from a list of 3 nominees.

7 (j) A representative of the Granite State Landscape Architects chosen from a list of 3
8 nominees.

9 (k) A representative from the department of environmental services who shall serve as a
10 nonvoting member of the council.

11 (l) A representative who is a marine contractor or dock builder from a list of 2 nominees
12 provided by the New Hampshire Marine Trades Association.

13 II. The council shall solicit information from other state agencies on an as needed basis.

14 III. The members shall serve until the repeal of the council.

15 IV. Any vacancy shall be filled in the same manner as the original appointment. Members
16 may hold office until their successors are appointed and confirmed.

17 V. The representative of the department of environmental services shall call the first
18 meeting 90 days after the effective date of this section as long as the majority of appointments have
19 been confirmed. Nine members shall constitute a quorum. At its first meeting the council shall elect
20 a chairperson, vice chairperson, and secretary. Subsequent meetings shall be at the call of the chair,
21 or at the request of 5 or more council members.

22 (a) The council shall meet a minimum of 4 times per year.

23 (b) The council secretary shall contact the chairman of the senate energy, environment
24 and economic development committee and the chairman of the house resources, recreation and
25 development committee to post scheduled meetings and public hearing times and places in the
26 legislative calendars.

27 VI. The council shall consult with and advise the commissioner of the department of
28 environmental services, on a continuing basis, with respect to the policy, programs, goals, and
29 operations of the department as they relate to the impact and implementation of the comprehensive
30 shoreland protection act under this chapter and the regulation of shoreline structures under
31 RSA 482-A. In order to accomplish these purposes, the council may:

32 (a) Perform field evaluation of particular situations and issues.

33 (b) Identify issues that need clarification or modification in the rules and statutes.

34 (c) Prepare written comment for the commissioner to suggest potential rules changes.

35 (d) Prepare written comment for the commissioner to suggest statutory changes.

36 (e) Aid in the design and implementation of outreach strategies and guidance
37 documents.

Amendment to HB 1462

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1 VII. The commissioner of the department of environmental services shall present all
2 proposed rules relative to shoreline structures under RSA 482-A and protected shoreland under this
3 chapter to the council for consideration and comment prior to filing a notice of proposed rule making
4 under RSA 541-A:6. The council shall present any objections to proposed rules to the commissioner
5 in writing within 30 days. The commissioner may adopt a rule to which the council has objected only
6 after presenting a written reply to the council detailing the reasons for adopting the rule over the
7 objections of the council.

8 2 Repeal. RSA 483-B:21, relative to the shoreland advisory council, is repealed.

9 3 Effective Date.

10 I. Section 2 of this act shall take effect December 31, 2015.

11 II. The remainder of this act shall take effect upon its passage.

2010-1722s

AMENDED ANALYSIS

This bill establishes a shoreland advisory council.

Sen. Bradley, Dist. 3
April 29, 2010
2010-1744s
06/03

Amendment to HB 1462

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a shoreland advisory council.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Section; Shoreland Advisory Council Established Amend RSA 483-B by inserting after
8 section 20 the following new section:

9 483-B:21 Shoreland Advisory Council. There is established a shoreland advisory council
10 appointed by the governor and council. All members shall be New Hampshire residents and the
11 governor and council shall request that nominating organizations select nominees representing
12 diverse geographic areas of the state who are also waterfront property owners, whenever possible.
13 The primary focus of this council is to address residential shorefront owner input and perspective
14 relating to shoreland development regulated under the comprehensive shoreland protection act
15 under this chapter and the regulation of shoreline structures under RSA 482-A.

16 I. The advisory council shall include:

17 (a) A planning board representative nominated by the New Hampshire Municipal
18 Association.

19 (b) A representative of the New Hampshire Association of Natural Resource Scientists
20 chosen from a list of 3 nominees.

21 (c) A representative of the Granite State Designers and Installers chosen from a list of 3
22 nominees.

23 (d) A representative of the New Hampshire Lakes Association chosen from a list of 3
24 nominees.

25 (e) A representative of the New Hampshire Rivers Council chosen from a list of three
26 nominees.

27 (f) A representative of the New Hampshire Association of Realtors chosen from a list of 3
28 nominees.

29 (g) Two representatives of the protected shoreland. These property owners shall be
30 chosen from a list of 4 nominees submitted by the commissioner of the department of environmental
31 services.

32 (h) Five representatives of the protected shoreland. There shall be one representative

Amendment to HB 1462

- Page 2 -

1 for lakes greater than 1,000 acres, one representative for lakes less than 1,000 acres, one
2 representative for rivers designated under RSA 483, one representative for rivers greater than
3 fourth order, and one representative for tidal areas.

4 (i) A representative of the New Hampshire Home Builders and Remodelers Association
5 chosen from a list of 3 nominees.

6 (j) A representative of the Granite State Landscape Architects chosen from a list of 3
7 nominees.

8 (k) A representative from the department of environmental services who shall serve as a
9 nonvoting member of the council.

10 (l) A representative who is a marine contractor or dock builder from a list of 2 nominees
11 provided by the New Hampshire Marine Trades Association.

12 II. The council shall solicit information from other state agencies on an as needed basis.

13 III. The members shall serve for 3 years.

14 IV. Any vacancy shall be filled in the same manner as the original appointment. Members
15 may hold office until their successors are appointed and confirmed.

16 V. The representative of the department of environmental services shall call the first
17 meeting 90 days after the effective date of this section as long as the majority of appointments have
18 been confirmed. Nine members shall constitute a quorum. At its first meeting the council shall elect
19 a chairperson, vice chairperson, and secretary. Subsequent meetings shall be at the call of the chair,
20 or at the request of 5 or more council members.

21 (a) The council shall meet a minimum of 4 times per year.

22 (b) The council secretary shall contact the chairman of the senate energy, environment
23 and economic development committee and the chairman of the house resources, recreation and
24 development committee to post scheduled meetings and public hearing times and places in the
25 legislative calendars.

26 VI. The council shall consult with and advise the commissioner of the department of
27 environmental services, on a continuing basis, with respect to the policy, programs, goals, and
28 operations of the department as they relate to the impact and implementation of the comprehensive
29 shoreland protection act under this chapter and the regulation of shoreline structures under
30 RSA 482-A. In order to accomplish these purposes, the council may:

31 (a) Perform field evaluation of particular situations and issues.

32 (b) Identify issues that need clarification or modification in the rules and statutes.

33 (c) Prepare written comment for the commissioner to suggest potential rules changes.

34 (d) Prepare written comment for the commissioner to suggest statutory changes.

35 (e) Aid in the design and implementation of outreach strategies and guidance
36 documents.

37 VII. The commissioner of the department of environmental services shall present all

Amendment to HB 1462

- Page 3 -



1 proposed rules relative to shoreline structures under RSA 482-A and protected shoreland under this
2 chapter to the council for consideration and comment prior to filing a notice of proposed rule making
3 under RSA 541-A:6. The council shall present any objections to proposed rules to the commissioner
4 in writing within 30 days.

5 2 Repeal. RSA 483-B:21, relative to the shoreland advisory council, is repealed.

6 3 Effective Date.

7 I. Section 2 of this act shall take effect December 31, 2015.

8 II. The remainder of this act shall take effect upon its passage.



Amendment to HB 1462
- Page 4 -

2010-1744s

AMENDED ANALYSIS

This bill establishes a shoreland advisory council.

Sen. Bradley, Dist. 3
April 29, 2010
2010-1749s
08/03

Amendment to HB 1462

1 Amend the title of the bill by replacing it with the following:

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14 relating to shoreland development regulated under the comprehensive shoreland protection act
15 under this chapter and the regulation of shoreline structures under RSA 482-A.

16 I. The advisory council shall include:

17 (a) Five representatives of the protected shoreland. There shall be one representative
18 for lakes greater than 1,000 acres, one representative for lakes less than 1,000 acres, one
19 representative for rivers designated under RSA 483, one representative for rivers greater than
20 fourth order, and one representative for tidal areas.

21 (b) A planning board representative nominated by the New Hampshire Municipal
22 Association.

23 (c) A representative of the New Hampshire Association of Natural Resource Scientists
24 chosen from a list of 3 nominees.

25 (d) A representative of the Granite State Designers and Installers chosen from a list of 3
26 nominees.

27 (e) A representative of the New Hampshire Lakes Association chosen from a list of 3
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29 (f) A representative of the New Hampshire Rivers Council chosen from a list of three
30 nominees.

31 (g) A representative of the New Hampshire Association of Realtors chosen from a list of
32 3 nominees.

Amendment to HB 1462

- Page 2 -

1 (h) Two representatives of the protected shoreland. These property owners shall be
2 chosen from a list of 4 nominees submitted by the commissioner of the department of environmental
3 services.

4 (i) A representative of the New Hampshire Home Builders and Remodelers Association
5 chosen from a list of 3 nominees.

6 (j) A representative of the Granite State Landscape Architects chosen from a list of 3
7 nominees.

8 (k) A representative from the department of environmental services who shall serve as a
9 nonvoting member of the council.

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24 development committee to post scheduled meetings and public hearing times and places in the
25 legislative calendars.

26 VI. The council shall consult with and advise the commissioner of the department of
27 environmental services, on a continuing basis, with respect to the policy, programs, goals, and
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29 shoreland protection act under this chapter and the regulation of shoreline structures under
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6 3 Effective Date.

7 I. Section 2 of this act shall take effect December 31, 2015.

8 II. The remainder of this act shall take effect upon its passage.



2010-1749s

AMENDED ANALYSIS

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Amendment to HB 1462

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14 relating to shoreland development regulated under the comprehensive shoreland protection act
15 under this chapter and the regulation of shoreline structures under RSA 482-A.

16 I. The advisory council shall include:

17 (a) Five representatives who own property within the protected shoreland nominated by
18 the governor. There shall be one representative for lakes greater than 1,000 acres, one
19 representative for lakes less than 1,000 acres, one representative for rivers designated under
20 RSA 483, one representative for rivers greater than fourth order, and one representative for tidal
21 areas.

22 (b) A planning board representative nominated by the New Hampshire Municipal
23 Association.

24 (c) A representative of the New Hampshire Association of Natural Resource Scientists
25 chosen from a list of 3 nominees.

26 (d) A representative of the Granite State Designers and Installers chosen from a list of 3
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28 (e) A representative of the New Hampshire Lakes Association chosen from a list of 3
29 nominees.

30 (f) A representative of the New Hampshire Rivers Council chosen from a list of three
31 nominees.

32 (g) A representative of the New Hampshire Association of Realtors chosen from a list of

Amendment to HB 1462

- Page 2 -

1 3 nominees.

2 (h) Two representatives of the protected shoreland. These property owners shall be
3 chosen from a list of 4 nominees submitted by the commissioner of the department of environmental
4 services.

5 (i) A representative of the New Hampshire Home Builders and Remodelers Association
6 chosen from a list of 3 nominees.

7 (j) A representative of the Granite State Landscape Architects chosen from a list of 3
8 nominees.

9 (k) A representative from the department of environmental services who shall serve as a
10 nonvoting member of the council.

11 (l) A representative who is a marine contractor or dock builder from a list of 2 nominees
12 provided by the New Hampshire Marine Trades Association.

13 II. The council shall solicit information from other state agencies on an as needed basis.

14 III. The members shall serve for 3 years and may be reappointed to a second 3-year term.

15 IV. Any vacancy shall be filled in the same manner as the original appointment. Members
16 may hold office until their successors are appointed and confirmed.

17 V. The representative of the department of environmental services shall call the first
18 meeting 90 days after the effective date of this section as long as the majority of appointments have
19 been confirmed. Nine members shall constitute a quorum. At its first meeting the council shall elect
20 a chairperson, vice chairperson, and secretary. Subsequent meetings shall be at the call of the chair,
21 or at the request of 5 or more council members.

22 (a) The council shall meet a minimum of 4 times per year.

23 (b) The council secretary shall contact the chairman of the senate energy, environment
24 and economic development committee and the chairman of the house resources, recreation and
25 development committee to post scheduled meetings and public hearing times and places in the
26 legislative calendars.

27 VI. The council shall consult with and advise the commissioner of the department of
28 environmental services, on a continuing basis, with respect to the policy, programs, goals, and
29 operations of the department as they relate to the impact and implementation of the comprehensive
30 shoreland protection act under this chapter and the regulation of shoreline structures under
31 RSA 482-A. In order to accomplish these purposes, the council may:

32 (a) Perform field evaluation of particular situations and issues.

33 (b) Identify issues that need clarification or modification in the rules and statutes.

34 (c) Prepare written comment for the commissioner to suggest potential rules changes.

35 (d) Prepare written comment for the commissioner to suggest statutory changes.

36 (e) Aid in the design and implementation of outreach strategies and guidance
37 documents.

Amendment to HB 1462

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1 VII. The commissioner of the department of environmental services shall present all
2 proposed rules relative to shoreline structures under RSA 482-A and protected shoreland under this
3 chapter to the council for consideration and comment prior to filing a notice of proposed rule making
4 under RSA 541-A:6. The council shall present any objections to proposed rules to the commissioner
5 in writing within 30 days. The commissioner shall retain authority to adopt rules pursuant to RSA
6 483-B:17.

7 2 Repeal. RSA 483-B:21, relative to the shoreland advisory council, is repealed.

8 3 Effective Date.

9 I. Section 2 of this act shall take effect December 31, 2016.

10 II. The remainder of this act shall take effect upon its passage.

2010-1948s

AMENDED ANALYSIS

This bill establishes a shoreland advisory council.

Committee Minutes

SENATE CALENDAR NOTICE
ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT

Senator Martha Fuller Clark Chairman ✓
 Senator Amanda Merrill V Chairman ✓
 Senator Jacalyn Cilley ✓
 Senator Bette Lasky ✓
 Senator Bob Odell ✓
 Senator Jeb Bradley ✓

open 10:16

11:34 close

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: April 8, 2010

HEARINGS

Thursday

4/22/2010

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT	LOB 102	8:30 AM
(Name of Committee)	(Place)	(Time)

EXECUTIVE SESSION MAY FOLLOW

8:30 AM	HB1266	relative to notification requirements for lowering the water level of a lake or pond.
8:50 AM	HB1322	(New Title) establishing the legislative committee on the maintenance of state-owned dams.
9:10 AM	HB1450	relative to the designation of a portion of the Cocheco River as a protected river.
9:30 AM	HB1239	(New Title) relative to processing certain environmental permits and administrative fines for violations of dredge and fill requirements.
9:50 AM	HB1462	(New Title) establishing a shoreland advisory committee.

Sponsors:

HB1266

Rep. L. Mike Kappler

Rep. Ron Mack

Rep. William Hatch

HB1322

Rep. William Hatch

Rep. Susan Almy

Rep. Ron Mack

HB1450

Rep. L. Mike Kappler

Rep. Peter Schmidt

Rep. Sandra Keans

HB1239

Rep. Suzanne Gottling

Rep. Tara Sad

HB1462

Rep. Nancy Stiles

Rep. David Borden

Rep. Laurie Boyce

Rep. James O'Neil

Sen. Martha Fuller Clark

Sen. Jeb Bradley

Sen. Margaret Hassan

Sen. Bob Odell

Energy, Environment and Economic Development Committee

Hearing Report

TO: Members of the Senate

FROM: Michael Rollo, *Legislative Aide*

RE: Hearing report on **HB 1462** -An act establishing a shoreland advisory committee.

HEARING DATE: April 22, 2010

MEMBERS OF THE COMMITTEE PRESENT: Senators Fuller Clark, Merrill, Cilley, Lasky, Odell, and Bradley.

MEMBERS OF THE COMMITTEE ABSENT: None.

Sponsor(s): Rep. Stiles, Rock 15; Rep. Borden, Rock 18; Rep. Boyce, Belk 5; Rep. O'Neil, Hills 19; Sen. Fuller Clark, Dist 24; Sen. Bradley, Dist 3; Sen. Hassan, Dist 23; Sen. Odell, Dist 8

What the bill does: This bill requires the department of environmental services to establish a shoreland advisory committee.

Who supports the bill: Rep. Kappler, Rock. 2, Rep. Boyce, Belk. 5, Sen. Fuller Clark, Dist. 24, Rep. Stiles, Rock. 15, Rene Pelletier, DES, Barb Aichinger, NH Shoreline Assoc., Paul Martone, NH Shoreline Assoc., Gina Rotondi, NH Shorefront Assoc., Joe Skillington, Home Builder

Who opposes the bill: None

Neutral position: None.

Summary of testimony received:

Rep. Stiles, Rock. 15- Prime Sponsor of HB 1462.

- Hearing called to order at 10:15am
- Original bill was a collaboration between DES, House and Senate sponsors and Rep. Stiles' constituents.

- Bill was amended in the House to become an advisory Committee with 2 members from each of the state's 10 counties.
- Rep. Stiles suggested the following changes:
 - Appointment process should be a combination of Governor & Council, DES, and Legislature.
 - Commissioner of DES or his designee should call the first meeting.
 - A reasonable timeframe should be established to make appointments as the bill is effective upon passage.
- Sen. Bradley asked if Rep. Stiles would be supportive of amending the bill back to as introduced in the House. Rep. Stiles responded that she would be supportive of that, but was concerned that the House would reject and the entire bill would be lost. Rep. Stiles suggested making incremental changes.

Rene Pelletier, DES.

- In support.
- Diverse make up the committee will bring together landowners in an advisory capacity to help clear up any misunderstandings and concerns. DES feels that committee members will offer a valuable perspective.
- Feels that a 20 member committee is manageable.
- There was discussion surrounding who will make appointments and whether or not the committee would be balanced. Mr. Pelletier explained that the regional planning commissions would be used to help make suggestions for appointments. DES will set criteria and then make appointments. He was unsure as to the change in status to an ad hoc advisory committee. Mr. Pelletier believes that the committee will be fair and balanced. Mr. Pelletier explained that the changes in make up of the committee was likely due to the complaints of not enough landowner input in the original process. Sen. Bradley pointed out that half of the originally proposed members were to be landowners. Sen. Fuller Clark pointed out that the original bill also had procedures for public/landowner input for proposed rule changes. Mr. Pelletier explained that with each rule change a stakeholder meeting was held. Mr. Pelletier pointed out that this new committee was similar in makeup to the lakes and rivers advisory council.

Senator Fuller Clark offered amendment 2010-1534s at this point.

- The amendment establishes a council as well as establishing a procedure for notifying abutters of shore land and wetland excavation permitting. The amendment will make people aware that there is an appeals process and what needs to be included in the notification.
- Senator Cilley asked Mr. Pelletier why DES didn't bring this change forward earlier, in the House perhaps? Mr. Pelletier explained that they ran out of time and promised the committee to bring this forward in the Senate. This bill is necessary to help aid in the rule making process.

Paul Montrone, NH Shoreline Coalition.

- In support, against amendment.

- Sees proposed amendment as a prime example as to why there needs to be an advisory committee.
- Prefers to see the appointments made by Governor and Council as it would add legitimacy to committee.

Gina Rotondi, NH Shorefront Association

- In support.
- Would like to see clarifying language as to appointing process. Prefers to see Governor and Council make appointments.

Barbara Aichinger, NH Shorefront Association

- In support, against amendment.
- Believes that by enacting committee the Senate will be restoring citizens' faith in government. She feels that there is enough policing by the government and citizens should be reining in an ever expanding government. As the founder of NH Property Owners Rights, an advocacy group, would like to see homeowners associations included as well.

Joe Skiffington, Home builder, representing self.

- In support.
- Believes the committee would be better served though if there was a variety of participants like original bill called for.

Hearing was closed at 11:30am.

Funding: *Not applicable.*

Future Action: Executive action pending.

MSR

File: HB 1462

Date: April 22, 2010

Date: April 22, 2010
Time: 10:16 a.m.
Room: LOB Room 102

The Senate Committee on Energy, Environment and Economic Development held a hearing on the following:

House Bill 1462 (New Title) establishing a shoreland advisory committee.

Members of Committee present: Senator Fuller Clark
 Senator Merrill
 Senator Cilley
 Senator Lasky
 Senator Odell
 Senator Bradley

The Chair, Senator Martha Fuller Clark, opened the hearing on House Bill 1462 and invited the prime sponsor, Representative Nancy Stiles, to introduce the legislation.

Representative Nancy Stiles: Good morning, Madam Chair and Committee members. For the record, I am Nancy Stiles, Rockingham 15, Hampton.

And this bill comes before you today as a combined effort of my constituent and the Department of Environmental Services. Senator Clark and I met with Commissioner Burack, Rene Pelletier, and other interested stakeholders to develop a Shoreland Advisory Council. This would provide a forum for shorefront property owners to have a venue to understand the implementation of the Shoreland Protection Act and to provide feedback and support to the Department in funneling questions and concerns.

The House Resources, Recreation, and Development Committee amended the bill to an advisory committee to solicit input relating to the regulations and to ensure that there would be representation from each of the ten counties as well as representation of the various sizes and bodies of water. I agree that it is important to make sure there is diversity in the membership, but, while the current bill specifies two from each of the ten counties, I'm not clear who makes that appointment nor who calls the first meeting. Not really knowing all the bodies of water in our state, I'm ashamed to say, I would ask, "Is it

appropriate that there should be two from each county or should the bill indicate at least one member from each county?" That wouldn't prohibit more than one from a county but would provide flexibility in the appointment process.

I would be supportive and ask your consideration of the following: the appointment process, whether it is a combination of the Governor, DES, and the Legislature - say eight, six, and six - or it's the Governor, who makes all the appointments in cooperation with DES to make sure that there is diversity and all counties are represented as well as the various bodies of water.

I'd also like you to consider that the Commissioner of Environmental Services or his appointee should be the person to call the first meeting and to do that within twenty days of the completion of the appointments and that a reasonable timeframe be established for the appointments, since the bill is effective upon passage, so that the committee can actually get together, get organized, and be of some support to the Department.

I believe this committee can be a real service to the Department, the property owners, and the Legislature to make sure that the laws that we pass actually work for the people and support the environment as well.

And I'd be glad to take your questions. There are others that will speak behind, and you may want to defer some of the questions to them.

Please see Attachment #1 - Representative Stiles' typewritten testimony.

Senator Martha Fuller Clark, D. 24: Senator Bradley.

Jeb E. Bradley, D. 3: Thank you very much, Madam Chair. Good morning, Representative Stiles.

Representative Stiles: Good morning.

Jeb E. Bradley, D. 3: As I recall, this bill was very different as introduced, as you correctly noted. Changed significantly in the House process, it enjoys significant bi-partisan support the way it was originally introduced. Would you ... And I know you have to, at some point, speak a little bit from the House, but if we were to amend the bill to make it the original bill, what would your reaction be to that?

Representative Stiles: Well, I would be concerned whether or not the House would concur. That would be my concern. I would like you to consider maybe just some changes that would bring it close to what it was and especially identify the appointment process and the timeframe for it to begin. Those are some things that I think are most important. I don't want to lose the bill. So, I don't want it to come back and non-concur. So, I would recommend that you use your flexibility to make some of those adjustments.

Senator Martha Fuller Clark, D. 24: Yes, Representative ... Senator Merrill.

Senator Amanda Merrill, D. 21: Thank you, Madam Chair. Good morning, Representative.

Representative Stiles: Good morning.

Senator Amanda Merrill, D. 21: Can you be more specific about the concerns in the House?

Representative Stiles: Well, probably the best people to ask would be someone who's on that committee, but I know that there was some concerns in the House. And I don't think they really ... some of the individuals really understood the process for which this was designed.

This was worked out in complete cooperation with DES, and it would actually be a support to the Department to listen to concerns from the shorefront property owners and to funnel all of those questions and concerns through and also to educate the shorefront property owners. So, it was a two-way effort, actually. And I'm not sure that that was clear to some of the members on the committee. Perhaps that's my fault for not making it clear enough.

Senator Martha Fuller Clark, D. 24: So, just, Nancy ... Excuse me, Representative Stiles, a little bit of a follow-up here. It just seems to have been stripped, basically, in the House, and what you have now is this advisory committee to be established by the Department of Environmental Services to address residential shorefront owners input in perspective relating to the regulations ... shall consist of owners of the property within the protected shoreland. So, my question to you is: Are you concerned that there is a lack of specificity in terms of what is granted to this committee? I'm just...

Representative Stiles: My concern is that there's a lack of specificity on who does the appointing.

Senator Martha Fuller Clark, D. 24: Right.

Representative Stiles: There's a lack of specificity of how quickly that will take place and what actions that they will take to work in conjunction with DES to be supportive of the Department.

Senator Martha Fuller Clark, D. 24: Thank you. Are there other questions at this time?

Representative Stiles: And if I just may...

Senator Martha Fuller Clark, D. 24: Yes.

Representative Stiles: ...add one more thing, too. I think that it's important for that feedback to come back to the Legislature in some form, too, so that we know that the work that we do works. I mean it's usually my practice, when I'm thinking about bringing something forward. I try to talk to the people on the ... I call them the people on the street that actually have to implement the laws that we pass to see, you know, is this going to work for you or isn't going to work for you. Where are the rocks? And you know try to work out a middle ground that works for everybody.

Senator Martha Fuller Clark, D. 24: The other question that I have here: the language that came out of the House is an *ad hoc* committee.

Representative Stiles: That's correct.

Senator Martha Fuller Clark, D. 24: All right.

Representative Stiles: And we have put ... Both you and I have worked with DES to make that an advisory council so that they would actually be providing advice to the Department. But I think that the Department - and you can ask them when they take the seat here - I think that they're in agreement that they will work in conjunction with the group.

Senator Martha Fuller Clark, D. 24: Okay. Thank you very much.

Representative Stiles: You're welcome.

Senator Martha Fuller Clark, D. 24: I'm just looking for the sign-up sheet. I'd like to call upon Rene Pelletier next.

Rene Pelletier, New Hampshire Department of Environmental Services: I clearly picked the wrong week to go on vacation. Morning, Madam Chair, members of the Committee.

Senator Martha Fuller Clark, D. 24: Good morning.

Mr. Pelletier: For the record, Rene Pelletier, system director of water, here to speak in favor of House Bill 1462. And I will follow with my written testimony. Thank you.

Please see Attachment #2 - Letter from the Department of Environmental Services.

Mr. Pelletier: So, I think, as the Committee, most of you may know that we worked with the group of shoreland owners that had some concerns about when the Comprehensive Shoreland Protection Act was created, there was a committee that in fact put forth ideas and recommendations to change the statute. It was felt by a large number of people that in fact there was not enough homeowner representation on this committee. The committee was ... had about twenty-four participants; two homeowners: one from the smaller or larger lakes and one from the seacoast. There was a feeling that there was not in fact enough input from people that actually lived on waterfront properties and had some issues with how the law came out initially.

So, we were asked to look at a way that we could get some valuable input and create an arena where people could actually come in and review the Act as it is currently written; come up with some recommendations that maybe make more sense, recommendations that maybe clarify issues; and look at re-crafting or re-tooling the statute, if in fact there was consensus and everyone was one the same page.

So, we are in full support of that. We don't think that having an advisory committee such as this is a bad thing. It's a new law, as you well know. It was dramatically changed in '94, since its inception, and I think it never hurts to have people that are actually trying to comply with the law comment on tweaks or major changes that don't make a lot of sense that perhaps were not thought about when the law was crafted. And so, we are in full support of it.

We proposed - when I was asked to come up with some sort of language to create a group that in fact could propose changes or look at issues or critique the law - that we thought the most equitable way to achieve that would be look at the counties in the state and have representatives, two representatives, from each county.

As you well know, if you go in the northern tier, we see a look of work that's done on the major rivers: the Connecticut, the Androscoggin, and those places and not only just on inland water bodies. Then, of course, you've got the Lakes Region, where you've got the bigger lakes. You've got Carroll County where you know the town of Wakefield alone has ten or eleven lakes. So, we thought it made sense for some sort of uniformity in concerns, because, many times, homeowners on the smaller lakes and rivers have different concerns than the people that live on Winnepesaukee, the Squam, or Ossipee, or the bigger bodies of water. So, we felt that an equitable way to do that was spread it out on a statewide basis and have two representatives from each county.

The reason we picked two - and I was asked this question just recently - was that our experience at the agency has been that, when you get committees that have greater than twenty - and actually twenty's not ideal - that there is ... it's very difficult to build consensus. Many times, there's ... They just don't work. There's a lot of time spent on non-productive conversation. We think this twenty people will be focused. We think they can get participation from people that they represent. And we think, as far as getting a work product, that twenty is a pretty reasonable number, so that we don't spend a lot of time spinning our wheels. And the folks on the advisory committee don't also.

Senator Martha Fuller Clark, D. 24: One of the questions that was asked: "Who makes these appointments?" Obviously, this is attached to your Department. The implication is, but it's not clear, that DES would be making these appointments. Could you comment on that, please?

Mr. Pelletier: Yes. I think initially, when we had conversations about this legislation, there was talk about having the Governor appoint folks. Then came to the issue, because of the nature of the committee and the way we were doing it on a county by county basis, it was ... the bill was written so that we would send out a note to the regional RPCs and let them look out in their regions that they represent and submit names to DES. And I think, to answer your question, the ultimate nod would be at DES. Now, you would submit two names from Carroll County or Belknap County, and we would have no reason to disqualify them or not qualify them. The only criteria is that they at least represent large lakes, small lakes, or fourth order streams. And so, by design, it was believed names would be submitted to us, and we would go on the recommendation of RPCs.

Senator Martha Fuller Clark, D. 24: And they would be recommending, of all of those people who might apply, they would put forth a nomination?

MPC

Mr. Pelletier: That's...

Senator Martha Fuller Clark, D. 24: So, they would be vetting those requests...

Mr. Pelletier: That would be...

Senator Martha Fuller Clark, D. 24: ...at their level?

Mr. Pelletier: That would be our intent.

Senator Martha Fuller Clark, D. 24: And then they would be recommended to DES.

Mr. Pelletier: Yeah. The conundrum here, in an advisory council like this, is that there's ... It could be far left; it could be far right. And there would be those that perceive that we're handpicking who's going to be on the council. So, we felt that, not unlike the process that goes through the Governor and Council, that the choices would be made by someone other than DES and submitted. And I think the qualifiers would be ... 'cause we probably, in most cases, won't know these folks. And the qualifier would be on the recommendation from the RPCs. And, as long as they meet that criteria that I just talked about, we would see no reason why they wouldn't participate on the advisory committee.

The only other alternative, as I see it, is the bill would be the same process would work, but the individual would be chosen by the Governor and Council, or nominated by the Governor. And I think who's here and Kate might be able to speak to that more than I, but...

Senator Martha Fuller Clark, D. 24: Okay. Thank you. The second question that I have is regard to the word "ad hoc".

Mr. Pelletier: Yes.

Senator Martha Fuller Clark, D. 24: I'm not aware that normally there are *ad hoc* committees that are created by the Legislature. They're either committees or councils or commissions, but I have ... don't believe, in the past, ever seeing the word "ad hoc".

Mr. Pelletier: Okay. That I don't think I can speak to.

Senator Martha Fuller Clark, D. 24: Okay. Thank you. Senator Cilley?

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. I'm just wondering about the perception of objectivity, Rene. You said you might not know many of the people that get put forward by the RPCs, but - I've got RPS in here; Freudian slip - from the RPCs, but there are many people who have participated or been concerned about shoreland protection issues and that sort of thing. Does that worry you at all?

Mr. Pelletier: No, I don't think it does. I think, candidly, that if we get equal distribution throughout the state of representation ... I mean, historically, experience has shown me that they usually ... there's a balance that is created. You know you will always have people that, perhaps, think differently than we do. They could be far right; they could be far left, but I think we saw it in our very laborious stream rule process that we're now going through with JLCAR that there, at the end of the day, there's usually a balance. You know when I think when you look for some sort of consensus-building, the highs and the lows kind of level out.

So, I guess my answer's no. I think, historically, it usually works its way out.

Senator Martha Fuller Clark, D. 24: Representative...

Mr. Pelletier: And you know? Oh, I'm sorry, Senator.

Senator Martha Fuller Clark, D. 24: Senator Bradley. I don't know where I am this morning. I just got out of the wrong side of the bed.

Jeb E. Bradley, D. 3: Well, you know what? I remembered doing the same thing, Senator Clark, to you on the floor last year. So, I'm glad you're paying me back.

Senator Martha Fuller Clark, D. 24: Okay.

Jeb E. Bradley, D. 3: As I say, you can call me anything that you want - and Mike will appreciate this - just don't call me a Yankee fan.

Senator Martha Fuller Clark, D. 24: Senator Bradley.

Jeb E. Bradley, D. 3: Thank you. Rene, I look at the version that the House passed and the version that the sponsors introduced, and I come away with a conclusion that what the House passed is absolutely minimal in value compared to what the sponsors wanted. It's going to be larger. There are fourteen members in the original bill from a huge diversity of organizations. There's, you know, a number of different interests that have to look to

appoint people. It's broader; it's diverse and starting, you know, right at the title: "Establishing a shoreland advisory council."

To get back to the point that Senator Clark was, I think, very well making: you know it gives it value and meaning. Plus, I think, two of the more important things in the original part of the bill were the ability of the council to be able to solicit private donations to amass information and understanding of the implications of the Shoreland Protection Act; and then, the requirement that any, you know, new rules or things at least go to the council for a look-see. I mean that's all gone. And I just question what's left and the value of what's left. And I ... I'll leave it at that.

Mr. Pelletier: I guess my response to that would be is the part about the statutory ability to raise money and those types of things were ... that was nothing that came out of DES. We did not tweak the bill, as far as that goes. In reference to fourteen versus twenty: Senate Bill 55, which created the Shoreland Act, had that diversity that you're talking about. The complaint that we heard over and over and over again was that there was not enough individual, not organizations, but individual shorefront owners that had input into that legislation. The original bill: sure, it had marine trades; it had all the other issues. What the cries that we were hearing were that there was not enough individual homeowner taxpayers that had input into how this law was crafted. And that's why you see twenty.

Jeb E. Bradley, D. 3: Well, I would agree with that, you know. And the way that the law was changed, if you will, just a couple of years ago, but the original bill called, if I read it correctly, for seven of the fourteen members to be affected property owners or nominees submitted by DES and five nominees out of ten submitted by the President of the Senate and the Speaker of the House. So, half of the representation on what the sponsors were trying to do came from affected property owners on the council. And the council - at least in my view - was given greater authority by ability of its more diverse membership, the fact that it was a council, and the fact that it could raise money; and, perhaps most importantly, that DES, you know, would have to submit any rule change to the council, not for a veto or a go-ahead, but at least - sort of the way JLCAR works - for at least a second look as to whether it was in the right direction or not.

Mr. Pelletier: Well, I don't think that ... We're not a-feared of that. I mean, I would expect, candidly, that, if we're going through a rulemaking process, we would be going through that process because there was recommendations coming out of this advisory committee. You know we have, right now as we speak, the only rules we're working on is the permit by notification, which is going to expedite the process and make the application process less intensive.

But I would fully expect that that's what this committee would do. We would not ... We want them to participate, because if we change the law or propose to change the law, it's going to be requested coming out of this committee, Senator.

So, the other stuff that you speak to - the fundraising, the seven homeowners and the seven other participants - my response, I guess, would be that when we change this law - and it was edited - that that diversity was on the law. And I think the outcry that we still heard was there was nowhere near enough homeowner participation. And that's why you see what you have before you today.

Jeb E. Bradley, D. 3: Okay. Thank you.

Senator Martha Fuller Clark, D. 24: Thank you. I have an additional question, which has to do with on page 3 of the original bill.

Mr. Pelletier: Okay, Senator; I don't have...

Senator Martha Fuller Clark, D. 24: You don't have that.

Mr. Pelletier: ...that original bill.

Senator Martha Fuller Clark, D. 24: Okay.

Mr. Pelletier: So ... But that's okay.

Jeb E. Bradley, D. 3: You can use mine.

Mr. Pelletier: Oh! Geez. Thank you. Thank you.

Senator Martha Fuller Clark, D. 24: I'm just thinking about this whole section that deals with the proposed rules. And if you could talk about when you do do proposed rules, what is your process now. And my concern in this section is the final line, 8, 9, and 10, "The Commissioner may adopt a rule to which the council has objected only after presenting a written reply to the council, detailing the reasons for adopting the rule over the objections of the council." How do you handle that with other rules?

Mr. Pelletier: Right now, every rulemaking process that we go through, we initiate a stakeholders group, you know, whether it be in shoreland, whether it be an AOT. Whatever the rulemaking process is, we will establish a stakeholder group. As I alluded to earlier, we had a twenty-six person stakeholder group when we looked at doing the stream rules, which, by the

way, was a three-year process. So, that is a very first step in a rulemaking process for us. We try and get it vetted with as much diversity as we can.

At the end of that time, we look for consensus. If there's consensus, we then present those rules. In the shoreline case, it would go to the Water Council. If for a wetlands rule, it would go to the Wetlands Council. If they were air rules, they go to the Air Council for them to comment. They can either say yea or nay. Although they don't have veto authority, they do have a comment. And we, as directed by the Commissioner, do respond back to, at a next meeting generally, as to the issues that they talk about and an explanation of...

Senator Martha Fuller Clark, D. 24: And do you provide a written response or...?

Mr. Pelletier: Where it makes sense. Historically, we just sit in front of the council, and they ask questions as we go, and we elucidate the changes that have been made or the reasons that the Department feels that the changes aren't going to work. And once that takes place, the next process is, as you all know, is the JLCAR.

Senator Martha Fuller Clark, D. 24: JLCAR.

Mr. Pelletier: There is another afforded ability for someone to go and publicly testify that perhaps wasn't on the *ad hoc* group or the advisory council or the stakeholder group. So, there is that another public session where rules can be vetted. And once that takes place, if there's a lot of opposition, JLCAR will give us a preliminary objection. We have to respond within forty-five days. We either make some changes or we identify issues that present a problem to us why they weren't made. Then the JLCAR, in fact, makes a decision on whether to pass or not.

Senator Martha Fuller Clark, D. 24: And the final question I have for right now is: Is there any comparable advisory group that exists at DES relative to what's being proposed here?

Mr. Pelletier: This was somewhat structured, initially, after the Lakes and the Rivers Advisory Council, and they are in statute.

Senator Martha Fuller Clark, D. 24: And that has worked well for you?

Mr. Pelletier: Yes. Anytime, and candidly, anytime that we can get upfront input, we find it works better for everybody.

Senator Martha Fuller Clark, D. 24: Thank you. Before you leave, it's my understanding that you also had an amendment that you wished to add to this bill. Is that correct?

Mr. Pelletier: I ... The one that I forwarded to you, I think?

Senator Martha Fuller Clark, D. 24: Yes.

Mr. Pelletier: Yes.

Senator Martha Fuller Clark, D. 24: I have drafted it, if you could speak to it.

Mr. Pelletier: Okay. Yes, I do not have that in front of me.

Senator Martha Fuller Clark, D. 24: If you could ... which is actually why I called you now, so that you could get both of these things on the table.

Please see Attachment #3 – Senator Fuller Clark's amendment #1534.

Mr. Pelletier: Does everyone have a copy of the amendment...?

Senator Bette R. Lasky, D. 13: Yeah, yeah.

Mr. Pelletier: ...that I'll speak to?

Senator Bette R. Lasky, D. 13: Thank you.

Mr. Pelletier: Okay. What this amendment...

Senator Martha Fuller Clark, D. 24: Let me just...

Mr. Pelletier: Oh, sure.

Senator Martha Fuller Clark, D. 24: For the record, it is amendment 1543s (sic). I believe there are extra copies for people in the public. And if you could continue. So, I think we're ready, if you would go through this. I would appreciate it.

Mr. Pelletier: Okay.

Senator Martha Fuller Clark, D. 24: And the Committee would appreciate it.

Mr. Pelletier: What this amendment does is ... The Shoreland Protection Act, in particular, and also wetlands, has been going on. There's always been a requirement in the wetlands statute that in fact there would be a butter notification of whenever a project was taking place. Since the permitting program came out for Shoreland Protection - which, as you all know, started in July a year and a half ago or so, I guess, now - there was no requirement that people in the notification made people aware that if they didn't or if they had some issues with what was taking place, that there was an appeal process. The statute provides for a thirty-day window where someone can appeal a permit where they feel that they've been aggrieved or that their property rights have been encroached upon.

So, Representative Day and Representative Kepner had some issues in the Seacoast, specifically - and valid ones, I might add - that, in fact, a butters felt that they were aggrieved by activity that took place as a result of a shoreland permit. But they in no ... They had no idea that in the notification that there was an appeal process. So, what happened is, statutorily, they missed the thirty-day window, and hence, they were very frustrated by the whole process, because they did not know that they had several steps where they could, in fact, try and have someone address their concern.

So, what this amendment does is it makes it clear for all of the notification programs - wetlands included - that, as part of that notification that ... In wetlands, people are required to send a butter notice now. What it does do is, in that notice, it has some language, and we craft these for people that they got off the web that makes people aware that, if a permit is issued, that there is a statutory appeal process that they can utilize. And that's the long and the short of it. There was a lot of concern that people get in too late, and they had no ... nothing to go on.

Senator Martha Fuller Clark, D. 24: So, if we are to look at the bottom of the first line of the amendment where, on line 30, it says, "...with a notice that contains the information specified in RSA 482-A:7-a,II..." I am led to understand that that is the section that refers to the appeals process.

Mr. Pelletier: Yes. And it talks about, in the notification - if you look on page 2, Senator, under (a), I and II - it gives specifics of what needs to be included in the notification. And as you read through them, you'll see ... I'll just pick up on line 27 (i), a statement that RSA 482-A:10 provides a process for seeking reconsideration of any decision to grant or deny an application. And what it does do is it puts everybody on notice that gets notified by law how the process works.

Senator Martha Fuller Clark, D. 24: Thank you. Are there other questions? Senator Cilley.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. Rene, this strikes me as a substantive amendment. You know there are a few tweaks to existing language, then you've got the whole new abutter notification, you know, statement in there, along with all of the requirements. This is coming awfully late in the process. I guess my question is: Why wasn't this brought forward for a full hearing in the House?

Mr. Pelletier: It was...

Senator Jacalyn L. Cilley, D. 6: I just don't know what the ramifications of all of this.

Mr. Pelletier: It was actually brought forward. It was actually targeted to go on Senate Bill 450 a couple weeks ago or so. And they felt that it was ... It confused the bill too much. And when it...

Senator Jacalyn L. Cilley, D. 6: As you are.

Mr. Pelletier: ...initially came through, there was a bill in the Legislature to propose unilateral notification, but it was very foggy and very non-specific. What I committed to in front of the Resources and Recreation Committee was that I had two options that I committed DES to. We would either do rulemaking - which, you all know, is a six or eight month process - or after that hearing, we would proceed to amend the statute so that it was done and finished with so it could be implemented upon signing. And as the process went through and ... We sat down and we vetted with the Representatives that had concern and our legal, Gretchen Hamel - God bless her - drafted some language. And as time went on, it just didn't get on bills, and that's why it's here today.

Senator Jacalyn L. Cilley, D. 6: One follow-up?

Senator Martha Fuller Clark, D. 24: Yes, Senator Cilley.

Senator Jacalyn L. Cilley, D. 6: Sitting on JLCAR, it just doesn't strike ... If you don't have legislative authority to do this, then that creates a problem in and of itself, does it not?

Mr. Pelletier: We have ... We believe we have authority, but what this does do is it clarifies what needs to be in that notice, quick and upfront, and it's down in the statute. We believe we have rulemaking authority for

notification. What we would do is we would go back to the rules, and we would expand, as we've done on page 2, what has to be included in that notification. We believe we have authority to do this. What this does do is it makes the change imminent and not eight months down the road.

Senator Martha Fuller Clark, D. 24: Thank you...

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Martha Fuller Clark, D. 24: ...very much. I might add it also puts it in a location where it's more likely to be discovered by an ordinary citizen than the rules.

Mr. Pelletier: Oh, absolutely. Anybody that has right by law, which is required now in both statutes, to notify, what this does do is it goes one step deeper and says, "Not only are you notified of a project, but if you have some real heartburn about it, here's the appeals process, under 441-A."

Senator Martha Fuller Clark, D. 24: Thank you very much. Let's see if we can move on. Oh, Senator Lasky has a question. Yes.

Senator Bette R. Lasky, D. 13: Thank you, Madam Chair. Rene, if you're just expanding on the notification itself, you're not expanding the amount of notifications that are being sent out?

Mr. Pelletier: No.

Senator Bette R. Lasky, D. 13: Okay. So, financial implications aren't there?

Mr. Pelletier: No. Two ... If I might, Senator Clark?

Senator Martha Fuller Clark, D. 24: Yes, you may.

Mr. Pelletier: Just something I want to make sure you understand, that as part of this notification, when we have aggrieved parties ... And I'm going to give you a quick example of it. There was a ... The law provides - certainly in the wetlands statute and now in shoreland - that if there is enough public interest in a project, whether it be a shopping mall in the shoreland ... The situation I'm going to explain to you how this works is that I got sixty-five e-mails because someone had put in an application to build a racetrack in Dalton. Because of that, 482-A:10, gives authority to hold a public hearing. So, we held a public hearing at a significant amount of cost, but we did it because we felt that the general public didn't get enough notice.

What is included in this bill is if, in fact, there is such an outcry for whatever the project - whether it be in 482-A or 483-B, which is wetlands and shorelands - that, in fact, the burden of holding a public hearing will be placed on the applicant. And we did that so ... And just so you know, there were 280 people that showed up at the town hall in Dalton, which seemed to be a somewhat innocuous project, but the public outreach was just unbelievable.

So now, this law, as well as notification, requires that if there's that type of interest, that in fact the cost of the hearing to get public input would be borne by the applicant.

Senator Martha Fuller Clark, D. 24: Thank you. Other questions? Okay, thank you very. I'd like to...

Mr. Pelletier: You're welcome.

Senator Martha Fuller Clark, D. 24: ...call upon Paul Montrone. Welcome.

Paul Montrone, Shoreline Coalition: Thank you, Madam Chair. I'm Paul Montrone from the New Hampshire Shoreline Coalition. I very much appreciate the opportunity to testify before you today. I particularly enjoyed the opportunity to testify after Rene, because I was always modify my testimony when I hear what he's presenting. And I would like to, since the ... You're not going to leave, are you, Rene?

Mr. Pelletier: (Speaking from the back of the room) I have to be at House Finance...

Mr. Montrone: Oh.

Mr. Pelletier: (Speaking from the back of the room) ...at eleven o'clock.

Mr. Montrone: Well, with all due respect, and we've worked closely with him on a number of matters, but I think what he just proposed to you today, with this amendment, is precisely the reason why we are supporting the formation of this homeowners ... call it a council, committee, shoreline owners committee, because the shoreline owners have not even seen this thing. And as a matter of fact, if we ... if you talk to our constituency, which are shoreline owners, you would hear that the big problem is ... From what I heard, he was addressing the issue of somebody gets a permit and others want to appeal it, basically.

What we hear is exact opposite. You can't get a permit, and therefore, you have a very, very impossible way to appeal it. And where there's a council now, that I'm told is - I'm personally inexperienced, but I'm told from shoreline owners - that where these appeals go and very little takes place. So, one of the things that is, down the line, as far as shoreline owners are concerned, is how do we get the appeal process to work better.

So, if we had a group such as being proposed in 1462 together, we could then vet the amendment that Rene has proposed and see if there's any input from shoreline owners. And I think that that's the heart and soul of the problem. There was a commission that was put together that led to the creation of this law, I think as everybody here knows. There are ... It has had positives and negatives. The reaction of shoreline owners, when they find out about it, is, essentially ... It's (sic) lacks credibility. It lacks credibility. And the reason it lacks credibility is because there are some really silly things in this law. And we've tried to amend it, and we have been unsuccessful. There've been some amendments, and that's a positive, and we will continue to do it.

But, for example, we are not allowed to rake the leaves on our property under this law. When shoreline owners see that, "What's going on here?" is the reaction. And then you've got one of two things. You either got people like us who say, "Look it. We got a serious law. We're all interested in protecting the wet ... the waterways. We're the shoreline owners. That's our primary. You know we're primarily interested in that." Then, you get another group that says, "This law is bunk." And they ignore it. And the answer is - what we all want - is we want the shoreline owners behind this law. That's what we want and, I believe, what you want. You want the citizens to be behind the law; not to ignore it or throw it out or not live up to its requirements. So, the legitimate way to go about this is to try to fix the law, which is what we are trying to do.

There are ... There's both a structural problem with this proposal as it sits today, from our point of view, and then there's also a timing problem. The structural problem has been addressed. If there is going to be legitimacy, this group has got to be put together properly. And the question is: How is it best put together? I ... My group basically feels that, to the extent that the DES is putting together this group, it will lack credibility. So, the question is: Where do you go to get some credibility? We are supportive of Representative Stiles' proposal of let the Governor do it. DES will certainly have input to the Governor - it's a department of the Executive Branch - and whatever other input would come together. However you people decide that it should be put together, it should be put together that it has legitimacy and that people feel they are represented. And then the committee or commission

could have inputs from others, but at least, at the end of the day, it's not something that lacks credibility.

The second thing is, I would say is, the urgency. We have today, because of this law and Rene mentioned the PBN rules - Permit By Notification - which are intended to bypass the extensive permitting process and costs of permitting process and allow smaller projects to go forward by just notification. You just file notification. If you don't hear back from the DES in two weeks, you're allowed to go ahead. And DES can make a quick assessment as to whether there's any impact on the waterway. It's a perfectly reasonable way to go. It will accelerate projects.

We met last summer with Rene and his people; our group did. Several other groups that are going to testify here did. We came up with a reasonable set of rules for permit by notification. There was some compromises, but it would release the logjam. Those rules have yet to be. I was just asking Rene. We haven't seen those rules. Now, the implication of this is we are in a bad economy. These are projects that could be going ahead and employing unemployed people today in the trades. So, I think there is a little urgency to this matter, to try to get some of these things moved along. And I think if we want to form this committee, then it would be nice to get it formed and activated quickly so that inputs can come in right away.

I do want to congratulate this Committee, because last year you did pass those amendments, and they were positive amendments, and they did good things. And with that, that's all I have to say.

Thank you for your time.

Please see Attachment #4 – Mr. Montrone's typewritten testimony.

Senator Martha Fuller Clark, D. 24: Mr. Montrone, I have a question for you with regard to the amended bill as it came over to us from the House, which is a clearly much reduced and simplified bill.

Mr. Montrone: Yes.

Senator Martha Fuller Clark, D. 24: Do you believe that that still accomplishes the purpose of the advisory committee? I understand the issues about appointments and timing, but here it simply says, "to address residential shorefront owner input and perspective relating to the regulation of shoreline development under this chapter, and the regulation of shoreline structures under RSA 482-A."

Mr. Montrone: Yes.

Senator Martha Fuller Clark, D. 24: Does that give you enough definition? I'm not happy about the word "ad hoc". I would remove that, but I need to know from you...

Mr. Montrone: I ... yeah.

Senator Martha Fuller Clark, D. 24: ...if this does satisfy your objective?

Mr. Montrone: The answer to that is: I think it can work, yes, if this committee is credible.

Senator Martha Fuller Clark, D. 24: Okay.

Mr. Montrone: And I agree with you. The "ad hoc" makes it sound like, all right, this thing's going to come and go away.

Senator Martha Fuller Clark, D. 24: Right.

Mr. Montrone: You know?

Senator Martha Fuller Clark, D. 24: The second question that I have here: it says that these members ... there shall be two members for each of the ten counties...

Mr. Montrone: Yes.

Senator Martha Fuller Clark, D. 24: Is that sufficient to ensure the diversity and representation from shorefront owners?

Mr. Montrone: Well, here I defer to Rene.

Senator Martha Fuller Clark, D. 24: Okay.

Mr. Montrone: From our point of view, we would like to see - and I think Nancy mentioned this, Representative Stiles - at one, a minimum of one, from each county. Okay. So that means every county is represented. Rene's view, as he expressed it here, is that, if you get the committee too large, you're going to have a difficult working environment. So, I think that twenty is where he seems to feel ... and he has a lot more experience than we do at this stuff. So, that ... We would support the twenty. We would prefer to see a minimum of one from each county. So, if you want to have one from here and

three from there, that makes sense for some reason. You have the ability, a little flexibility in that regard.

Senator Martha Fuller Clark, D. 24: So, for those additional ten, you're only...

Mr. Montrone: The additional ten, they could...

Senator Martha Fuller Clark, D. 24: ...taking one from each county.

Mr. Montrone: ...from anywhere.

Senator Martha Fuller Clark, D. 24: They could come from anywhere.

Mr. Montrone: Anywhere in the state, yes. That would be our preference, yes.

Senator Martha Fuller Clark, D. 24: Okay. And do you have how would one reach out to those additional ten, in terms of this process? I mean, we heard from Rene that we saw these people from the county being nominated through their Regional Planning Commissions.

Mr. Montrone: Yes.

Senator Martha Fuller Clark, D. 24: What is your vision?

Mr. Montrone: Our vision is that there would ... We didn't envision the Regional Planning Commission would get involved. That was something I heard for the first time...

Senator Martha Fuller Clark, D. 24: That's new for you.

Mr. Montrone: ...here today.

Senator Martha Fuller Clark, D. 24: Okay.

Mr. Montrone: We would envision more call for, kind of, volunteers or something. In other words, it would be ... There would be ... Whether it's the DES or the Governor's office or the Legislature, somebody just says, "All right, we are interested in people who are interested in this process." And they would come...

Senator Martha Fuller Clark, D. 24: So, you just want people to apply to...

Mr. Montrone: Basically...

Senator Martha Fuller Clark, D. 24: ...whoever the...

Mr. Montrone: They apply.

Senator Martha Fuller Clark, D. 24: appointing authority is. Would you want them to have any kind of recommendation to come with their application?

Mr. Montrone: I would say, we haven't really thought that through.

Senator Martha Fuller Clark, D. 24: Okay.

Mr. Montrone: But the main thing we're focused on is, you know, where this all comes together; how the appointments are selected. I mean, the only thing from our point of view is that they be shoreland owners. And I think the idea of having representation from the large and small lakes and the rivers and so forth; I think that's important, because this law - along the seacoast - this law applies to all those constituencies.

Senator Martha Fuller Clark, D. 24: Thank you. Other questions? Yes, Senator Bradley.

Jeb E. Bradley, D. 3: Thank you, Madam Chair.

Senator Martha Fuller Clark, D. 24: I have your title right, now; for this two minutes.

Jeb E. Bradley, D. 3: Good morning, Paul. Are you not concerned in the changes from the original bill to the House bill that's passed that - for instance, some of the marine trades - a representative has been dropped, or architects or the homebuilders. You know some of the other ... I understand the interest in shoreland owners, but some of these other organizations represent those that would be seeking permits to build...

Mr. Montrone: Right.

Jeb E. Bradley, D. 3: ...in shoreland...

Mr. Montrone: Right.

Jeb E. Bradley, D. 3: ...designated shoreland, designers and installers of septic systems. Are you concerned that they wouldn't, statutorily, be required to be on a council or committee?

Mr. Montrone: Yes, I think. Now, I have a narrow function and a broad function. The narrow function is: we're here as a shoreline coalition. We represent shoreland owners. Those people that are not involved, that's not our concern; that's somebody else's concern. So, from that point of view, then, it doesn't matter, as long as we have our shoreland owners represented. Okay? From a broader point of view, the answer to that is: it would be good, which is why we supported this bill. It would be good to have these other constituencies. Why? It would be good to hear inputs for the efficiency of the process, if for nothing else.

The way this is constituted today, when an amendment or something is proposed, our shoreline committee, assuming a shoreline owner committee that gets approved, will probably try to come up with a consensus and present a view to you at a hearing or to the DES in a process. To the extent these other constituencies are not represented, they're going to be coming in separately. And I think the reason that DES did this, and the reason we support it, was, okay, we got all these constituencies together, we will work out all our stuff together and probably try to simplify your jobs. And Rene, I believe supports it, because it can simplify his job. So, everybody's job is simplified.

So, to the extent that this is a narrower committee, then these constituencies will obviously have their own voices to express.

Senator Martha Fuller Clark, D. 24: Thank you. Did you have a question?

Senator Jacalyn L. Cilley, D. 6: No.

Senator Martha Fuller Clark, D. 24: Okay. Thank you. Another question? Thank you very much...

Mr. Montrone: Thank you.

Senator Martha Fuller Clark, D. 24: ...for being here.

Mr. Montrone: Thank you once again.

Senator Martha Fuller Clark, D. 24: I'd like to call upon Gina Rotondi. And Amanda, I just need to go across the hall for a minute for Transportation. I'll be right back.

Gina Rotondi, New Hampshire Shorefront Association: Thank you, Madam Chair, members of the Committee. For the record, my name is Gina Rotondi from Rath, Young, and Pignatelli here today on behalf of the New Hampshire Shorefront Association, which is a 501(c)4 organization that consists of private property and shorefront property owners around the Lakes Region with an interest in advocating for private property protection and the protection of water quality as well.

I sit here today to support House Bill 1462. We were one of the associations that was part of the stakeholder group with Representative Stiles and DES to formulate the bill that was sent to the House. We supported that bill, and we continue to support the bill as amended today. We support the bill as amended because we believe in the concept of the bill. We believe that shorefront property owners should have an arena, now that the new Shoreland Protection Act has been in play for several years now, to come together to discuss with the Department and with other stakeholders what's currently working for them and what's currently working against them, relative to the Comprehensive Shoreland Protection Act.

The only other thing that I'd like to add is that we would like to see some clarifying language in the bill as currently ... in its current form, similar to the language or the appointment process that Representative Stiles discussed today. Whether the Governor's office works in collaboration with the Department of Environmental Services or not, we do believe that the final authority should be that all of the members are appointed by the Governor.

Thank you.

Senator Amanda Merrill, D. 21: Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you. Good morning.

Ms. Rotondi: Good morning.

Senator Bette R. Lasky, D. 13: Do you have any thoughts as to the size or what you consider a good working committee?

Ms. Rotondi: We didn't really ... We haven't really thought about it since the bill as amended, obviously, because we were part of the working group with the stakeholders from the beginning. We thought that the group had the right number of people as well as a broad sort of array of individuals that could offer a lot of expertise to making changes to or working through the Comprehensive Shoreland Protection Act.

Senator Bette R. Lasky, D. 13: Could I follow up?

Senator Martha Fuller Clark, D. 24: Yes, you may.

Senator Bette R. Lasky, D. 13: Thank you. I guess more specifically what I'm getting at is do you ... Have you given any thought to what percentage of property owners you might want on this?

Ms. Rotondi: We have not. No.

Senator Bette R. Lasky, D. 13: Okay.

Senator Martha Fuller Clark, D. 24: Other questions? Thank you. Yes?

Senator Amanda Merrill, D. 21: Just one.

Senator Martha Fuller Clark, D. 24: Senator Merrill.

Senator Amanda Merrill, D. 21: Thank you, Madam Chair. The working group that you referred to, is that the same as the group that Mr. Pelletier is referring to?

Ms. Rotondi: I believe so.

Senator Amanda Merrill, D. 21: I thought he referred to it...

Ms. Rotondi: There were a few...

Senator Amanda Merrill, D. 21: ...as a commission.

Ms. Rotondi: There were a few working ... There were a few working groups that were discussed this morning. The one, I believe, that Mr. Pelletier referred to was with Representative Stiles and the Department and the Governor's office and Mr. Montrone's group to discuss this legislation. The PBN stakeholder group was another sort of group. I can't remember who spoke to that.

Senator Martha Fuller Clark, D. 24: Thank you. Thank you very much. I'm sorry that I missed your testimony...

Ms. Rotondi: That's okay. Thank you.

Senator Martha Fuller Clark, D. 24: ...but I will review the notes. Thank you. I'd now like to call upon Barbara Aichinger.

Barbara Aichinger, New Hampshire Shoreline and Property Rights Guardians: Thank you very much. I have some copies of my testimony.

Marty Cote, Senate Secretary: Over here.

Ms. Aichinger: Oh, sorry. Thank you.

Please see Attachment #5 – Ms. Aichinger’s typewritten testimony.

Ms. Aichinger: For the record, my name is Barbara Aichinger, Gilford, New Hampshire.

Senator Martha Fuller Clark, D. 24: Sorry I...

Ms. Aichinger: It's okay.

Senator Martha Fuller Clark, D. 24: ...pronounced it with a small, quiet C.

Ms. Aichinger: I married the name, so it was difficult for me. I am a waterfront homeowner. I also represent the Shoreland Guardians group, which is also made up of stakeholders in this legislation. We are the actual, you know, property owners who live on the water and, of course, are very interested in having the water protected. I mean that is our most valuable asset.

With regards to the amendment that Mr. Pelletier has proposed, I would ... My opinion on that amendment is that it should be tabled and considered for a different time. We need to focus on this bill, which is to get the committee out. Just to give you a little bit of a flavor for what abutters can do, which I think is precisely what this committee, this advisory committee, would do, would be to look at the role of the abutter in the shoreland permitting process. And so, I think that much more thought has to be given to the rights of the abutters.

I personally am a victim of an overzealous abutter. My abutter has abused the appeals process for the last three years with regards to my property, all the while standing there with their hand out looking for money: "Give me money, and I will go away." Okay? So, I've had to defend myself in front of several local land use boards and also in front of the New Hampshire Supreme Court because abutters abuse the process, the permitting process. And they say, "We won't go away until you give us money." So, for that

reason, I would ask that this amendment not burden the particular bill of the advisory committee.

I think the Governor should make the appointments for this committee. I think the one from each county but a minimum ... I wouldn't have a minimum of two, because I think that's going to be difficult to get volunteers. So, I think at least one from each county. I think the majority of the committee should be property owners. Okay? That's the purpose of this, is property owners. This was the under-represented group; these are the stakeholders. So, my recommendation would be the majority of the committee to be property owners.

I think that, you know, by the Legislature taking this step and putting this committee together will help restore the public's trust in government. Okay? I mean you see a lot of grassroots organizations. There's certainly mistrust out there. We feel that the government is too strong. They're abusing their police powers, and they're coming down on the taxpayers and the property owners. We understand that the government is made up of people. Okay? And we are appealing to you as individuals to help us protect our rights and restore the faith in our government.

The other thing is you want to promote compliance, right? And if the property owners don't feel that they're being represented, you're not going to get compliance. Okay? You're just going to further that mistrust. So, I strongly support this legislation. I think, with regards to homeowners or homeowner groups, I would propose homeowner groups be favored over individuals, because when you have that homeowner group, they must have standing behind them hundreds of property owners. So, they will represent not just their own interests, but the interests of the group that stands behind them. In addition, if they were to abuse their power of representation, they could be removed by that group. Okay? So, the representation of the homeowner group, I think, is important.

I do also agree with Senator Clark and Senator Bradley - and I'm happy to see that you people have brought this forward - that this is quite a watered down bill from what was originally proposed. And unfortunately, politics is rearing its ugly head. And I think this Committee needs to send a message to the leadership of the House committee that watered this bill down in that we are not going to stand for politics. You're using homeowner and property rights as a pawn, okay, in your political game here. And that really, again, insults the property owners. It insults the taxpayers. They have watered this bill down. It was a political move. We all know it was a political move. We might as well not dance around it. And I would agree that it needs to be strengthened. I mean the DES was in on the original language. And I think

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it's just ... You know we're a victim of politics, here. We want this bill to be strengthened. We want it to have credibility, and we want the under-represented groups to be represented.

And that's all I have to say.

Senator Martha Fuller Clark, D. 24: Thank you. Are there questions for Ms. Aichinger?

Ms. Aichinger: Aichinger.

Senator Martha Fuller Clark, D. 24: Aichinger. Okay. Senator Cilley.

Senator Jacalyn L. Cilley, D. 6: Thank you, Madam Chair. And thank you for your testimony. I would just note that when we make decisions within committees, they are made for a whole host of reasons. I would always be a little circumspect about, you know, assigning motivation to why something was done.

Having said that and thinking about your earlier testimony about the police powers of government and how large government is growing, you do understand that establishing a commission such as this, which we are asked to do for numerous reasons almost everyday that we're here, expands government, do you not?

Ms. Aichinger: Well, I would respectfully disagree. I think that when you are putting this particular commission in place, you are taking into consideration the stakeholders. And that's what we're talking about here. And that would be the target of my comments, in that, as we expand the police powers through the Shoreland Protection Act, okay, we have to take into consideration the stakeholders. And that was the point of my comment.

Senator Jacalyn L. Cilley, D. 6: Follow up, if I may?

Ms. Aichinger: So, some regulation is good regulation.

Senator Martha Fuller Clark, D. 24: Yes, Senator Cilley.

Senator Jacalyn L. Cilley, D. 6: Last follow up. Having sat on a committee that has made every attempt in the world to eliminate as many committees, commissions, boards, et cetera as possible in order to shrink government over the last year, and I continue to, you know, to work on those efforts. I guess what I'd like you to respond to is ... It's my understanding that the Department has invited in those organizations in the past. You've come

before this Committee and others to, you know, to share your thoughts. I guess I'm wondering what more you think you'll get from an established commission, which is advisory only in nature - which I think you can do now - as opposed to doing things the way you're doing now.

Ms. Aichinger: Well, first of all, I would like to congratulate you for going after smaller government. I really appreciate that...

Senator Jacalyn L. Cilley, D. 6: You're welcome.

Ms. Aichinger: Senator Cilley. The fact is, is that...

Senator Jacalyn L. Cilley, D. 6: Which is why I'm questioning this.

Ms. Aichinger: Yeah.

Senator Jacalyn L. Cilley, D. 6: You understand?

Ms. Aichinger: The fact is, though, that we do have, in many people's opinion, an over-arching Shoreland Protection Act. Okay? And so, now, how do we get from where we are today to where, perhaps, you want to be with less government intervention and protect the environment at the same time? It's not a perfect process, but we think, from where we are here today and where we need to go with, perhaps, less regulation, this is the process that we feel.

Now, as far as advisory or, you know, we can't make legislation, it does give us credibility as a group, okay, in order to propose legislation, and it gives us credibility in order to solicit involvement from other property owners. I mean we often ... I often see, you know, people say, "Hey, you can't fight city hall. You know, why bother, you know, participating? I'm never going to be successful." If we can create some type of credibility here, I think you will see not only more participation of the public in government, which would then promote less government, but you're also going to see more compliance, because, when we're getting these homeowners involved, we're educating them. Okay? And as a homeowner myself, that was the best thing about the Shoreland Protection Act; was that I as a homeowner - and you know I have a background in electrical engineering - I was now educated. And that was a real positive effect; was simply the education.

So, although I am a promoter of small government and I appreciate your actions, I do think that your actions could be fulfilled or your desires could be fulfilled through the creation of this committee.

Senator Jacalyn L. Cilley, D. 6: Thank you.

Senator Martha Fuller Clark, D. 24: Thank you. Representative ... Senator Bradley. Jesus Christ! I need to go home!

Jeb E. Bradley, D. 3: Call me a Red Sox fan again. I love that.

Senator Martha Fuller Clark, D. 24: All right.

Jeb E. Bradley, D. 3: Thank you. Ms. Barbara?

Ms. Aichinger: Yeah, again.

Jeb E. Bradley, D. 3: 'Cause I won't get your last name correct I'm sure. Correct me if I'm wrong, but as I see the - in either version: the House version or the Senate version - what this is trying to establish is citizen participation to hold government accountable. I mean, is that the...

Ms. Aichinger: Yes.

Jeb E. Bradley, D. 3: ...fundamental purpose...

Ms. Aichinger: Yes.

Jeb E. Bradley, D. 3: ...of this? And as such, I think we're in somewhat of a conundrum that you illustrated in your testimony. And I get back to what I said before that the way that the House amendment has completely changed the outlook of this bill; the DES appointment process; the lack of accountability, I think, through that appointment process; and then some of the organizations that are included in the original bill are not reflected in the House bill.

Ms. Aichinger: That is correct.

Jeb E. Bradley, D. 3: So, that's number one.

Ms. Aichinger: Right.

Jeb E. Bradley, D. 3: And I assume that you've got a problem with that.

Ms. Aichinger: Absolutely.

Jeb E. Bradley, D. 3: And also correct me if I'm wrong, but one of the things that I think is the most important in the original bill - and I think that

your friend Mr. Montrone made a good point about - the amendment that was introduced by Mr. Pelletier would have been vetted by...

Ms. Aichinger: Correct.

Jeb E. Bradley, D. 3: ...the council, as it's thought of in the original bill. That whole section of the language is removed. And would you agree with me that, if we're going to have a commission, council, whatever you want to call it, it should have some teeth to it.

Ms. Aichinger: Absolutely. And like I said, the whole abutter process is something that this commission should review. And abutters would be involved in that, because they're shoreland owners. So, you have, again, the stakeholders as part of the process.

Jeb E. Bradley, D. 3: Thank you.

Senator Martha Fuller Clark, D. 24: Thank you. Are there other questions? We appreciate you being here today and thank you very, very much.

Ms. Aichinger: Thank you.

Senator Martha Fuller Clark, D. 24: The following individuals signed up in support of the bill: Representative Keppler and Representative Boyce, Laurie Boyce. I signed up in support of the bill but for the original bill. And I guess that concludes the hearing, unless there's anyone else who would like to speak or who would like to sign up; would like to just...

Joe Skiffington: (Speaking from the back of the room) May I speak?

Senator Martha Fuller Clark, D. 24: Yes, you may.

Mr. Skiffington: For the record, my name is Joe Skiffington. I'm a lakefront homeowner...

Senator Martha Fuller Clark, D. 24: Welcome, Joe.

Mr. Skiffington: ...in Moultonborough. I'm also a builder in Moultonborough. And I'm in support of some sort of advisory committee. I think ... Let me just start off by saying I've been involved in CSPA for about three, two and a half years. I worked with the Department crafting the original bill. I think it's a good law. I made, I think, six or seven applications to CSPA. All have been approved; all have been approved under the

timeframe that was allowed. So, it's a good bill. It's not ... It's definitely had some problems. I think all bills do. And I think this advisory committee would be a vehicle to take a good bill and make it a very good bill. But I think it needs to be comprised of more than just homeowners. I think the Department would be better advised if it was a combination of homeowners and some professionals involved, whether it might be builders or engineers or whatever, but I really think it needs to be a combination of the two.

And I just wanted to make those comments.

Senator Martha Fuller Clark, D. 24: Could you give us some guidance in terms of that outside expertise, perhaps being a little bit more specific, if we're to re-craft this, if we looked at the original bill?

Mr. Skiffington: If you had a group of ... You know, perhaps, the people that are making the applications, the professionals that are in the business of drafting and submitting the applications to the Department. If one of those individuals were involved, I think it would be, you know, a great asset to the Department and to the State. If there was a homebuilder involved, that might be a great asset to the State.

Senator Martha Fuller Clark, D. 24: Okay. I'd just like to go through the list...

Mr. Skiffington: Sure.

Senator Martha Fuller Clark, D. 24: ...that was here in the original committee. The original council, it was recommended, should include a planning board representative; a representative from the natural resource scientists; a representative from Granite State Designers and Installers; a representative from the Lakes Association. If you could just comment, perhaps, on those first few, to begin with, and then...

Mr. Skiffington: I read the first bill, and I think the first bill offers the Department a far more diversified group of consultants, whatever, thank you, than the second bill, which...

Senator Martha Fuller Clark, D. 24: Okay.

Mr. Skiffington: ...maybe fifty percent homeowners, fifty percent professionals.

Senator Martha Fuller Clark, D. 24: Okay. And if you recognize that we were trying to keep this at twenty, I guess we can probably do that with this

list. I guess what I'd really like to ask you: Is there any professional that's not included in the list that is in front of you on the first page of the bill?

Mr. Skiffington: No. I think the first bill outlined a very diversified group of professionals. I think if ten were taken of each ... If you needed twenty as a whole and ten were homeowners and ten were people in the business that are absolutely out in the field doing the jobs - engineers, soil scientists, I'm not sure you need a planning board member - but you know professionals; people that are out there in the field, doing the projects.

Senator Martha Fuller Clark, D. 24: Thank you. Senator Bradley, if you'd like to follow up?

Jeb E. Bradley, D. 3: Yeah, just to follow up on your question, an excellent question. I mean you've got somebody, a marine contractor, dock builder, an architect, a homebuilder, a septic installer, soil scientist. I mean those five are the professionals that you're talking about.

Mr. Skiffington: Sure.

Jeb E. Bradley, D. 3: And that all makes sense, in your opinion?

Mr. Skiffington: Total sense.

Jeb E. Bradley, D. 3: Right.

Mr. Skiffington: Absolutely.

Jeb E. Bradley, D. 3: Yeah. Okay. Thank you.

Senator Martha Fuller Clark, D. 24: Okay. Thank you very much. Any other questions? We appreciate you being here.

Mr. Skiffington: Thank you.

Senator Martha Fuller Clark, D. 24: Thank you very much. With that, I will close...

Senator Amanda Merrill, D. 21: There's one more.

Senator Martha Fuller Clark, D. 24: One more. Okay.

Representative Sue Gottling: (Speaking from the back of the room) I just ... No, I just wanted to sign in, in support.

Senator Martha Fuller Clark, D. 24: Okay. If you could come...

Representative Sue Gottling: (Speaking from the back of the room) I will come and sign in.

Senator Martha Fuller Clark, D. 24: Could you come forward for a minute, please, and just for the record?

Representative Sue Gottling: Good morning. I'm Representative Sue Gottling from Sullivan County District 3.

Senator Martha Fuller Clark, D. 24: Thank you. I'm wondering if you could, perhaps, enlighten us to the discussion that took place in the House, since we have no record of that.

Representative Sue Gottling: Sure.

Senator Martha Fuller Clark, D. 24: Were you ... Did you participate in the discussions that went through the modification of this bill or not?

Representative Sue Gottling: I did, as I think you did, too, Senator, right, the one that we had...

Senator Martha Fuller Clark, D. 24: I didn't sit through...

Representative Sue Gottling: ...that large group.

Senator Martha Fuller Clark, D. 24: I didn't sit through the discussions for the amendment, no.

Representative Sue Gottling: Oh, okay. Right. Whatever. Yes.

Senator Martha Fuller Clark, D. 24: So, if you could explain to us how we got from the original bill to the amendment, that would be helpful.

Representative Sue Gottling: I could. I think there was a question of the fact that, if the bill was to represent homeowners, we thought - shorefront owners - that that was a really good thing. Also, that we felt it needed to be more specific as to where those shorefront owners would come from. I believe in the one under the five shorefront owners...

Senator Martha Fuller Clark, D. 24: It says within the protected shoreland.

Representative Sue Gottling: Right. Right, but the groups that are mentioned in the original bill...?

Senator Martha Fuller Clark, D. 24: Yes?

Representative Sue Gottling: Which is what I'm trying to refer to. Right. That there were several groups of homeowners mentioned. There was some concern as to how they were constituted that they might exist at one point or another group of homeowners might, you know, be formed, and that it basically opened it to all homeowners and shorefront owners. And it just seemed like it was a really difficult thing to figure out how you were going to pick. And so, we were very concerned, also, that we include all of the wet shorefront, which would be the lakes and the fourth order streams and small ones and large ones. And so, we wanted to really specify that we were going to get a wider distribution of representation.

Senator Martha Fuller Clark, D. 24: Yes, Senator Lasky?

Senator Bette R. Lasky, D. 13: Thank you. This is really, I guess, to anybody. Thank you, Representative.

Representative Sue Gottling: Yes.

Senator Bette R. Lasky, D. 13: Am I missing something? Because on line 7, there's no number there.

Representative Sue Gottling: Oh, I'm sorry.

Senator Bette R. Lasky, D. 13: Oh.

Representative Sue Gottling: You know I should have brought the two bills with me.

Senator Bette R. Lasky, D. 13: Well, it says, "The advisory committee shall consist of owners of property within the protected shoreland." Is there a number that you wanted to put there?

Jeb E. Bradley, D. 3: Well, I think the...

Representative Sue Gottling: No. It was ten nominees.

Jeb E. Bradley, D. 3: ...two members from ten counties.

Representative Sue Gottling: And it said...

Senator Martha Fuller Clark, D. 24: Line 9.

Representative Sue Gottling: ...the list of represented nominations.

Senator Bette R. Lasky, D. 13: Two members. So, that includes everybody. I mean ... Anyway, to me, it's unfair.

Representative Sue Gottling: I think we had concern that, in line ... Are we on line 3 of the original bill?

Senator Bette R. Lasky, D. 13: Right.

Representative Sue Gottling: Which, I believe, is what the Senator was referring to.

Senator Bette R. Lasky, D. 13: Oh, I thought she was talking ... I thought the Chair asked you to talk to the amended version.

Representative Sue Gottling: I believe you were asking me what the discussion was...

Senator Bette R. Lasky, D. 13: Okay.

Representative Sue Gottling: ...how we came to the...

Senator Martha Fuller Clark, D. 24: Right.

Representative Sue Gottling: ...amended version. Am I correct on that...?

Senator Martha Fuller Clark, D. 24: Yes.

Representative Sue Gottling: ...or am I misunderstanding?

Senator Bette R. Lasky, D. 13: No. You have it.

Senator Martha Fuller Clark, D. 24: And...

Representative Sue Gottling: Right.

Senator Bette R. Lasky, D. 13: I think you're right.

Representative Sue Gottling: Right. I think we came to the amended version because there was some concern about the nominations naming three separate ... You know that we felt that that was really difficult, and it says, "...and other organizations whose membership includes owners of shoreline property." Well, we just felt like that was just...

Senator Martha Fuller Clark, D. 24: So...

Representative Sue Gottling: ...a very large bag.

Senator Bette R. Lasky, D. 13: Thank you.

Senator Martha Fuller Clark, D. 24: But if I could just follow up?

Representative Sue Gottling: You may.

Senator Martha Fuller Clark, D. 24: In looking at these two different bills, as I understand it, you stripped everything else out of the bill...

Representative Sue Gottling: Right.

Senator Martha Fuller Clark, D. 24: ...and just left it with this new section. Is that correct?

Representative Sue Gottling: Yes.

Senator Martha Fuller Clark, D. 24: All right.

Representative Sue Gottling: I believe that what you have in the amended version is what we have ... is what we ... what the House passed.

Senator Martha Fuller Clark, D. 24: Okay.

Representative Sue Gottling: Yes.

Senator Martha Fuller Clark, D. 24: Thank you.

Representative Sue Gottling: And is there anything else you would like to know?

Senator Martha Fuller Clark, D. 24: Well, there were questions about removing the capacity of this committee to raise their own funds.

Representative Sue Gottling: Yes.

Senator Martha Fuller Clark, D. 24: There were questions about removing the review of rules or amendments to legislation.

Representative Sue Gottling: I believe that what we feel ... What we felt was that to put that into statute, which is actually practice, was probably not a great idea; that all kinds of groups have access to the rules and comment on them; and that we already have procedures for doing that. And I think we felt that we weren't quite sure what the money - the ability to collect money - what that was going to be used for. There was no specifications as to what the parameters of that would be. And so, that was a concern.

Also, we do know that DES has appointed committees that are kind of standing committees that do advise them and meet on particular issues. And so, we were a little concerned about putting this particular committee and the way in which it was designed into statute.

Senator Martha Fuller Clark, D. 24: Thank you.

Representative Sue Gottling: And so, we felt that this was a reasonable compromise.

Senator Martha Fuller Clark, D. 24: Thank you. Are there additional questions?

Representative Sue Gottling: And may I make one more comment...?

Senator Martha Fuller Clark, D. 24: You certainly may.

Representative Sue Gottling: ...please, since you asked me.

Senator Martha Fuller Clark, D. 24: You certainly may. That's why you're here.

Representative Sue Gottling: We did, at great length, consider the composition, and we did have a lot of discussion whether we should mimic one of the other committees that DES has set up where there are professionals and there are also the environmental groups represented. And we hashed over that at great length and finally decided, if it was to be for shorefront owners within the protected shoreland, that's what we should emphasize.

Senator Martha Fuller Clark, D. 24: Thank you. That's very helpful.

Representative Sue Gottling: Thank you.

Senator Martha Fuller Clark, D. 24: Anyone else have a question? Okay. With that, we will now close the hearing on House Bill 1462. Let me just share with my Committee members that we have no more bills to hear.

Hearing concluded at 11:34 a.m.

Respectfully submitted,

A handwritten signature in black ink that reads "Marty Cote". The signature is written in a cursive, flowing style.

Marty Cote
Senate Secretary
9/30/10

5 Attachments

April 22, 2010

Senate testimony for HB1462

Good Morning Madame Chair and Committee Members,

For the record I am Nancy Stiles, Rockingham 15, Hampton

This bill comes before you as a combined effort of my constituent and the Department of Environmental Services. Senator Clark and I met with Commissioner Burack, Rene Pelletier, and interested stakeholders to develop a Shoreland Advisory Council to provide a forum for shorefront property owners to have a venue to understand the implementation of the Shoreland Protection Act and to provide feedback and support to the department in funneling questions and concerns.

The House Resources, Recreation and Development Committee amended the bill to an Advisory Committee to solicit input relating to the regulations and to ensure that there would be representation from each of the 10 counties as well as representation of the various sizes and types of bodies of water.

I agree that it is important to make sure there is diversity of the membership but while the current bill specifies two from each of the 10 counties, it does not identify who makes that appointment nor who calls the first meeting. Not really knowing all the bodies of water in our state I would ask "Is it appropriate that there should be 2 from each county or should the bill indicate at least one member from each county?" This wouldn't prohibit 2 from each county, but it would provide flexibility in the appointment process.

I would be supportive and ask your consideration of identification for:

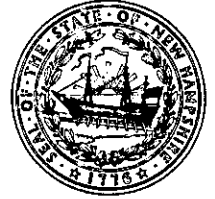
1. The appointment process whether it is a combination of the Governor, DES and the Legislature (8, 6, and 6) or if it is the Governor who makes all the appointments to make sure there is diversity and all counties are represented as well as the various types of bodies of water.
2. That the Commissioner of Environmental Services or his appointee perhaps should call the first meeting within 20 days of completion of the appointments.
3. That a reasonable timeframe be established for the appointments since the bill is effective upon passage so that the Committee could get organized and be of support to the department as soon as possible.

I believe this Committee can be a real service to the department, the property owners and the legislature to make sure that the laws we pass work for our citizens and support the environment.

Attachment #



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 22, 2010

The Honorable Martha Fuller Clark, Chairman
Senate Energy, Environment and Economic Development Committee
Legislative Office Building Room 102
Concord, NH 03301

RE: House Bill 1462 establishing a shoreland advisory council

Dear Madam Chairman and Members of the Committee:

Thank you for the opportunity to comment on HB 1462, which would establish a shoreland advisory council. The Department of Environmental Services (DES) supports the creation of an advisory council as a means to promote greater understanding and evaluation of RSA 483-B and its ongoing implementation.

As you know, effective July 1, 2009 there was a permit required to perform work on properties that were located within the 250 foot protected shoreland. As a result of this new statutory requirement and subsequent rulemaking, there was a significant amount of misunderstanding about what activities in the shoreland zone needed a DES permit. The primary focus of the council is to address residential shorefront owners concerns relative to the implementation of the law. It is DES' hope that the diverse makeup of this council will provide valuable perspective and feedback that will allow us to better serve the regulated public.

Again, thank you for the opportunity to comment on this issue issue. Please call me at 271-3503, or Rene Pelletier at 271-2951, if you have any questions or need additional information.

Sincerely,

Thomas S. Burack
Thomas S. Burack
Commissioner

- cc: Representative Spang
- Representative Borden
- Representative Boyce
- Representative O'Neil
- Senator Fuller Clark
- Senator Bradley
- Senator Hassan
- Senator Odell

Sen. Fuller Clark, Dist. 24
April 21, 2010
2010-1534s
06/09

Amendment to HB 1462

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT establishing a shoreland advisory committee and relative to abutter notification of
4 wetlands and shoreland protection excavating and dredging permits.
5

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

7

8 2 Wetlands; Permit Applications; Abutter Notification. Amend RSA 482-A:3, I(d) to read as
9 follows:

10 (d) At the time the permit application is submitted to the city or town clerk, the
11 applicant shall:

12 (1) Provide ~~[postal receipts or copies, verifying]~~ **an original and 4 copies of proof**
13 ~~that abutters [as defined in the rules of the department, and except as further provided in said~~
14 ~~rules,] have been notified [by certified mail. A postal receipt or copy]~~ **as specified in RSA 482-A:7-**
15 **a and that [verifies submittal of] a copy of the permit application *has been provided* to the local**
16 **river management advisory committee, if required under subparagraph (2)**~~[shall also be provided.~~
17 ~~The postal receipts or copies shall be retained by the municipality].~~ The town or city clerk shall
18 immediately sign the application and forward, by certified mail, the application, plan, map, **proof of**
19 **notification**, and filing fee to the department. The town or city clerk shall then immediately send a
20 copy of the permit application, plan, ~~[and]~~ map, **and proof of notification** to the local governing
21 body, the municipal planning board, if any, and the municipal conservation commission, if any, and
22 may require an administrative fee not to exceed \$10 plus the cost of postage by certified mail. One
23 **copy of the application, plan, map, and proof of notification** shall remain with the city or town
24 clerk, and shall be made reasonably accessible to the public. The foregoing procedure
25 notwithstanding, applications and fees for projects by agencies of the state may be filed directly with
26 the department, with 4 copies of the application, plan, ~~[and]~~ map, **and proof of notification** filed at
27 the same time with the town or city clerk to be distributed as set forth above.

28 (2) Submit a copy of the permit application to the local river management advisory
29 committee if the project is within a river corridor as defined in RSA 483:4, XVIII, or a river segment
30 designated in RSA 483:15, **with a notice that contains the information specified in RSA 482-**
31 **A:7-a, II.** The local river management advisory committee shall, under RSA 483:8-a, III(a)-(b),
32 advise the commissioner and consider and comment on the permit application.

Amendment to HB 1462

- Page 2 -

1 3 New Section; Abutter Notification. Amend RSA 482-A by inserting after section 7 the
2 following new section:

3 482-A:7-a Notification of Abutters.

4 I. Prior to filing an application under RSA 482-A:3, the applicant shall provide notice of the
5 application to each abutter, as defined in the rules of the department, except as further provided in
6 such rules. The notice shall contain the information specified in paragraph II and be sent or
7 delivered as specified in paragraph III. Written proof of notification shall be as specified in
8 paragraph IV.

9 II. Each notice required by paragraph I shall contain the following information:

10 (a) The name and mailing address of the applicant and of the property owner, if the
11 property owner is not the applicant;

12 (b) The location of the property to which the application relates by municipality, street
13 name and number, and tax map and lot number;

14 (c) If the property is within 250 feet of a named wetland or other surface water, the
15 name of the wetland or other surface water;

16 (d) A brief description of the proposed project, including where on the property the
17 activity will occur, how much area is proposed to be affected, and the size and dimensions of any
18 proposed structures;

19 (e) A statement that the application is available for review locally and at the
20 department, and the location and hours of the offices at which the application is so available;

21 (f) A statement that comments on the application may be submitted to the department;

22 (g) If the application is for a major project, a statement that a hearing will be held by the
23 department and that notice of the hearing will be sent in accordance with RSA 482-A:8;

24 (h) If the application is for a minor project, a statement that a hearing might be held by
25 the department and that if a hearing is scheduled, notice of the hearing shall be sent in accordance
26 with RSA 482-A:8; and

27 (i) A statement that RSA 482-A:10 provides a process for seeking reconsideration of any
28 decision to grant or deny the application and for appealing any decision on reconsideration.

29 III.(a) The notice shall be in writing and:

30 (1) Sent by certified mail, return receipt requested;

31 (2) Delivered by hand, in which case a signed acknowledgment from the recipient
32 that the notice was received shall be obtained; or

33 (3) Sent by private delivery service, in which case a receipt signed by the individual
34 who accepts delivery of the notice shall be obtained.

35 (b) If a person to whom notice is required to be given cannot be located, or fails or refuses
36 to sign to acknowledge receipt, then instead of the methods specified in subparagraph (a), the
37 applicant shall send the notice by first class mail, postage prepaid, and shall obtain a certificate of

Amendment to HB 1462

- Page 3 -

1 mailing from the United States post office at which the notice was mailed.

2 IV. The proof of notification required to be submitted under RSA 482-A:3, I(d) shall be as
3 follows:

4 (a) If the notice was delivered by certified mail, the signed return receipt;

5 (b) If the notice was delivered by hand, the acknowledgment signed by the recipient that
6 the notice was received;

7 (c) If the notice was delivered by private delivery service, the receipt signed by the
8 individual who accepted delivery of the notice; or

9 (d) If delivery was attempted by certified mail, by hand, or by private delivery service
10 but was not successful, the certificate of mailing for the first class mail sent pursuant to
11 subparagraph III(b) and a sworn affidavit that the first class mail has not been returned as
12 undeliverable based on an incorrect or out-of-date address.

13 4 Wetlands; Public Comment and Hearing; Notice of Hearings. RSA 482-A:8 is repealed and
14 reenacted to read as follows:

15 482-A:8 Public Comment and Hearing; Notice of Hearings.

16 I. The department shall provide a reasonable opportunity for public comment on proposals
17 under RSA 482-A:3 and shall hold a public hearing for projects that have a significant effect on the
18 resources protected by this chapter or are of substantial public interest.

19 II. The department shall send a notice of the hearing by first class mail or, if a recipient has
20 agreed to receive notices electronically, by e-mail to that recipient, to each of the following:

21 (a) The applicant and the property owner, if the property owner is not the applicant;

22 (b) The local governing body, the planning board, if any, and the municipal conservation
23 commission, if any, of the municipality involved; and

24 (c) Each abutter identified in the application.

25 III. The department may supplement the notices sent pursuant to paragraph II, by
26 publication of the notice in one or more newspapers or on the internet, or both. The applicant shall
27 reimburse the department for all costs of mailing and publication, by paying the invoice for such
28 costs presented to the applicant by the department no later than 30 days from the date of the
29 invoice. Failure to pay the invoice shall constitute grounds to suspend any permit issued until such
30 invoice is paid.

31 IV. The department shall maintain chronological files of all applications received under
32 RSA 482-A:3, which shall be available for public review during normal business hours.

33 V. The hearing requirement in this section may not apply to such minor projects and to such
34 minor improvements of the shoreline of those waters subject to the jurisdiction of this chapter as the
35 department may by reasonable rule provide. The hearing requirements of RSA 541-A:30 shall be
36 satisfied by a hearing on reconsideration in accordance with RSA 482-A:10, III.

37 5 Wetlands; Appeals; Adjustment to Cross-Reference. Amend RSA 482-A:10, I to read as

Amendment to HB 1462

- Page 4 -

1 follows:

2 I. Any person aggrieved by a decision made by the department under RSA 482-A:3 may
3 apply for reconsideration by the department, and then may appeal to the wetlands council and to the
4 supreme court as provided in this section. A person aggrieved under this section shall mean the
5 applicant and any person ~~[required to be noticed by mail in accordance with RSA 482-A:8 and RSA~~
6 ~~482-A:9]~~ *entitled to notice of applications under RSA 482-A:7-a.*

7 6 Wetlands; Appeals; Adjustment to Cross-Reference. Amend RSA 482-A:10, III to read as
8 follows:

9 III. On reconsideration, the department shall receive and consider any new and additional
10 evidence presented, and shall make findings of fact and rulings of law in support of its decision after
11 reconsideration. The department may hold a public hearing in accordance with its rules.
12 Reconsideration hearings shall not be subject to the requirements of RSA 541-A. Reconsideration
13 hearings shall be noticed in accordance with rules adopted by the department, which notice shall be
14 sent to all persons entitled to notice of applications under RSA ~~[482-A:8 and RSA 482-A:9]~~ *482-A:7-a*
15 and the department shall make a record of the proceedings. The department shall grant or deny the
16 request for reconsideration within 30 days of the department's receipt of the request or explain in
17 writing to the applicant why the request cannot be acted on and a statement of the time reasonably
18 necessary to act on the request. However, if the basis for denial includes failure by the applicant to
19 submit all requested information and the applicant submits all of the requested information with the
20 request for reconsideration, the department shall act on the request within 75 days from the date of
21 the department's receipt of the request for projects where the applicant proposes under one acre of
22 jurisdictional impact, and within 105 days for all other projects.

23 7 Wetlands; Appeals; Adjustment to Cross-Reference. Amend RSA 482-A:10, V to read as
24 follows:

25 V. The council on appeal shall hold an adjudicative hearing as provided in RSA 541-A and
26 the council's rules. The hearing shall be noticed in accordance with RSA 541-A:31, III. For appeals
27 of department decisions under RSA 482-A:3, the notice shall also be sent to all persons entitled to
28 notice of applications under RSA ~~[482-A:8 and RSA 482-A:9]~~ *482-A:7-a*. The burden of proof shall be
29 on the party seeking to set aside the department's decision to show that the decision is unlawful or
30 unreasonable. On appeal of requests proposed, sponsored, or administered by the department of
31 transportation, there shall be a rebuttable presumption that there is a public need for the requested
32 project, and that the department of transportation has exercised appropriate engineering judgment
33 in the project's design. All findings of the department upon all questions of fact properly before it
34 shall be prima facie lawful and reasonable.

35 8 Shoreland Protection; Permit Applications; Abutter Notification. Amend RSA 483-B:5-b, IV-a
36 to read as follows:

37 IV-a. At the time of the permit application, the applicant shall provide ~~[postal receipts or~~

Amendment to HB 1462

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1 ~~copies, verifying that the governing body of the municipality or municipalities in which the property~~
2 ~~is located and the local river management advisory committee, if the project is within a designated~~
3 ~~river corridor defined in RSA 483:4, XVIII and contains river and river segments designated in RSA~~
4 ~~483:15, and all abutters have been notified of the application by certified mail. Applicants for the~~
5 ~~construction of public roads, public utility lines and associated structures and facilities, and public~~
6 ~~water access facilities shall only be required to provide postal receipts or copies, verifying that the~~
7 ~~governing body of the municipality or municipalities in which the property is located, and the local~~
8 ~~river management advisory committee if the project is within a designated river corridor defined in~~
9 ~~RSA 483:4, XVIII and contains river and river segments designated in RSA 483:15, have been~~
10 ~~notified of the application by certified mail]~~ *written proof, as specified in RSA 483-B:5-c, IV, that*
11 *the requirements of RSA 483-B:5-c relative to notifying abutters, municipalities, and local*
12 *river advisory committees have been met.*

13 9 New Section; Shoreland Protection; Abutter Notification. Amend RSA 483-B by inserting after
14 section 5-b the following new section:

15 483-B:5-c Abutter Notification.

16 I.(a) Subject to subparagraph (b), prior to filing an application pursuant to RSA 483-B:5-b,
17 the applicant shall provide notice of the application to each abutter, as defined in RSA 483-B:4, I,
18 and shall provide a copy of the application and a notice to the governing body of the municipality in
19 which the property is located and, if the project is within the river corridor, as defined in RSA 483:4,
20 XVIII, of a river or river segment designated for protection pursuant to RSA 483 to the local river
21 management advisory committee.

22 (b) Applicants for the construction of public roads, public utility lines and associated
23 structures and facilities, and public water access facilities shall provide a copy of the application and
24 a notice to the governing body of the municipality in which the property is located and, if the project
25 is within the river corridor, as defined in RSA 483:4, XVIII, of a river or river segment designated for
26 protection pursuant to RSA 483, to the local river management advisory committee.

27 (c) The notice required by subparagraph (a) or (b), shall contain the information specified
28 in paragraph II and be sent or delivered as specified in paragraph III. Written proof of notification
29 shall be as specified in paragraph IV.

30 II. Each notice required by paragraph I shall contain the following information:

31 (a) The name and mailing address of the applicant and of the property owner, if the
32 property owner is not the applicant;

33 (b) The location of the property to which the application relates, by municipality, street
34 name and number, and tax map and lot number;

35 (c) The name of the surface water that is the basis for the property being in the protected
36 shoreland;

37 (d) A brief description of the proposed project, including where on the property the

Amendment to HB 1462

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1 activity will occur, how much area is proposed to be affected, and the size and dimensions of any
2 proposed structures;

3 (e) A statement that the application is available for review locally and at the
4 department, and the location and hours of the offices at which the application is so available;

5 (f) A statement that comments on the application may be submitted to the department;

6 (g) A statement that RSA 483-B:14 provides a process for appealing any decision to
7 grant or deny the application.

8 III.(a) The notice shall be in writing and delivered by one of the following methods:

9 (1) By certified mail, return receipt requested;

10 (2) By hand, in which case a signed acknowledgment from the recipient that the
11 notice was received shall be obtained; or

12 (3) By private delivery service, in which case a receipt signed by the individual who
13 accepts delivery of the notice shall be obtained.

14 (b) If a person to whom notice is required to be given cannot be located, or fails or refuses
15 to sign to acknowledge receipt, then instead of the methods specified in subparagraph (a), the
16 applicant shall send the notice by first class mail, postage prepaid, and shall obtain a certificate of
17 mailing from the United States post office at which the notice was mailed.

18 IV. The proof of notification required to be submitted by RSA 483-B:5-b, IV-a shall be as
19 follows:

20 (a) If the notice was delivered by certified mail, the signed return receipt;

21 (b) If the notice was delivered by hand, the acknowledgment signed by the recipient that
22 the notice was received;

23 (c) If the notice was delivered by private delivery service, the receipt signed by the
24 individual who accepted delivery of the notice; or

25 (d) If delivery was attempted by certified mail, by hand, or by private delivery service
26 but was not successful, the certificate of mailing for the first class mail sent pursuant to
27 subparagraph III(b) and a sworn affidavit that the first class mail has not been returned as
28 undeliverable based on an incorrect or out-of-date address.

29 10 Shoreland Protection; Rehearings and Appeals. RSA 483-B:14 is repealed and reenacted to
30 read as follows:

31 483-B:14 Rehearings and Appeals.

32 I. Where the requirements of this chapter amend the existing statutory authority of the
33 department or other agencies relative to regulatory programs established under RSA 155-E, RSA
34 482-A, RSA 485-A, or other statutes, decisions made under that authority shall be enforced under
35 the established regulatory programs and the existing procedures governing contested cases,
36 rehearings, and appeals regarding such requirements shall apply.

37 II. Any person aggrieved by a decision of the department to approve or deny an application

Amendment to HB 1462

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1 under RSA 483-B:5-b may appeal such decision to the wetlands council pursuant to RSA 21-0:5-a, V,
2 and may appeal the council's decision to the supreme court as provided in RSA 541. A person
3 aggrieved under this section means the applicant and any person entitled to notice of the application
4 under RSA 483-B:5-c.

5 11 Repeal. RSA 482-A:9, relative to notice to abutters, is repealed.

6 12 Effective Date.

7 I. Section 2 of this act shall take effect July 1, 2010.

8 II. The remainder of this act shall take effect upon its passage.

Amendment to HB 1462
- Page 8 -

2010-1534s

AMENDED ANALYSIS

This bill requires the department of environmental services to establish a shoreland advisory committee.

The bill also establishes procedures for abutter notification of wetlands and shoreland protection excavating and dredging permits.

**Testimony from Paul Montrone, New Hampshire Shoreline Coalition
In favor of HB 1462, establishing a Shoreland Advisory Committee
Senate Energy Environment & Economic Development Committee
4/22/10**

I am Paul Montrone from the NH Shoreline Coalition and I appreciate the opportunity to come before you today. I am here to testify in favor of adopting HB 1462, related to the CSPA, and to propose an amendment to it.

The CSPA is a well-intended law designed to protect our precious waterways, and the members of the Shoreline Coalition completely embrace its noble goals. As presently written, the law has had a combination of positive and negative effects. At this point, we are encouraged to see that the mutual goal of the NH Legislature and our various citizen groups is to make the appropriate modifications to enhance the positives and reduce the negatives of this Act.

The establishment of the Shoreland Advisory Committee proposed in HB 1462 is a step in the right direction in accomplishing this goal.

NH shoreland property owners are the individuals and families most affected by the law and those who have the most at stake in protecting our waterways. It is appropriate that they have an important role in assessing the impact of the CSPA and suggesting improvements.

We would like to respectfully request an amendment to HB 1462 related to the manner of appointing members to the Advisory Committee. This is not directly addressed as presently written. An earlier version of HB 1462 included a defined membership and a well articulated role for the Committee, but the final version deleted both of these provisions and approved the present more loosely defined committee.

Our request is to amend HB 1462 to empower the Governor to make the appointments to the Committee. We are confident that through the Governor's office, a proper balance of membership will be achieved with representation of shoreland owners on large and small lakes, rivers, and the seacoast.

We want to congratulate this Committee and the Legislature for passing certain amendments to the CSPA last year. However, there are other appropriate amendments that should be considered, especially in light of the difficult economic times. Numerous unemployed NH citizens are waiting patiently for shoreland owners to employ them for projects at their homes which will have no negative impact on water quality; but many shoreland owners are immobilized because of the CSPA.

**Testimony from Paul Montrone, New Hampshire Shoreline Coalition
In favor of HB 1462, establishing a Shoreland Advisory Committee
Senate Energy Environment & Economic Development Committee
4/22/10**

I am confident that the NH Legislature and Executive Branch are serious about stimulating good jobs in NH, and fixing this law will certainly do so.

Hopefully, the proposed Advisory Committee will be able to focus the legislatures' attention on the provisions in the law and related Administrative Rules that are most detrimental to our economy, and yet preserve the important purpose of the CSPA.

Once again, many thanks for the opportunity to testify.

Paul Montrone

**Testimony from Barbara Aichinger
New Hampshire Shoreline & Property Rights Guardians
In favor of HB 1462, establishing a Shoreland Advisory Committee
Senate Energy, Environment & Economic Development Committee**

I am Barbara Aichinger, from the New Hampshire Shoreline & Property Rights Guardians. Our members are shoreland owners and are intensively interested in preserving the quality and beauty of our precious waterways. On the other hand, we feel we have been left out of the deliberations on the CSPA and in particular, its impact on the use and value of our private property.

We enthusiastically support the formation of the Shoreland Advisory Committee proposed under HB 1462. Properly structured, it will provide the DES and the Legislature with invaluable input on how the law is affecting shoreline residents.

I would like to emphasize the "properly structured" aspect of this committee formation. We are particularly concerned because the original Commission that formulated the CSPA had a composition that resulted in little or no input from shoreland owners, that is, those most affected by the law. The result was a highly flawed statute that we are all now working together to correct. Some amendments to the CSPA were made last year and that is commendable.

The rather loose language on the composition of this HB 1462 committee leaves us a bit concerned and should be addressed before the law is enacted. We do not want a repetition of the mistakes of the past. Members should include those most impacted by the Act from all over the state, and we concur with the suggestion by others that the appointments be made by the Governor.

Once again, many thanks for the opportunity to come before you to testify.

Barbara P. Aichinger
Gilford, NH
Shoreline & Property Rights Guardians

Speakers

Voting Sheets

Senate Energy, Environment & Economic Development Committee EXECUTIVE SESSION

Bill # HB1462

Hearing date: 4/22/10

Executive session date: 5/6/10

Motion of: OTP/A

VOTE: S-1

<p>Made by Fuller Clark <input type="checkbox"/></p> <p>Senator: Merrill <input type="checkbox"/></p> <p>Lasky <input type="checkbox"/></p> <p>Cilley <input type="checkbox"/></p> <p>Odell <input type="checkbox"/></p> <p>Bradley <input checked="" type="checkbox"/></p>	<p>Seconded Fuller Clark <input checked="" type="checkbox"/></p> <p>by Senator: Merrill <input type="checkbox"/></p> <p>Lasky <input type="checkbox"/></p> <p>Cilley <input type="checkbox"/></p> <p>Odell <input type="checkbox"/></p> <p>Bradley <input type="checkbox"/></p>	<p>Reported Fuller Clark <input checked="" type="checkbox"/></p> <p>by Senator: Merrill <input type="checkbox"/></p> <p>Lasky <input type="checkbox"/></p> <p>Cilley <input type="checkbox"/></p> <p>Odell <input type="checkbox"/></p> <p>Bradley <input type="checkbox"/></p>
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<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Fuller Clark, Chairman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Merrill, Vice-Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Senator Lasky	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cilley	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Odell	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Bradley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: Amendment #1749s to be modified

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 6, 2010

THE COMMITTEE ON Energy, Environment and Economic Development
to which was referred House Bill 1462

AN ACT (New Title) establishing a shoreland advisory committee.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5 - 1

AMENDMENT # 1948s

Senator Martha Fuller Clark
For the Committee

Marty Cote 271-3045

New Hampshire General Court - Bill Status System

Docket of HB1462

Docket Abbreviations

Bill Title: (New Title) establishing a shoreland advisory committee.*Official Docket of HB1462:*

Date	Body	Description
12/10/2009	H	Introduced 1/6/2010 and Referred to Resources, Recreation and Development; HJ 6 , PG.241
01/13/2010	H	Public Hearing: 1/20/2010 2:00 PM LOB 308
01/19/2010	H	==CANCELLED== Executive Session: 1/21/2010 9:00 AM LOB 305
01/21/2010	H	Subcommittee Work Session: 1/27/2010 11:00 AM SH 100
01/22/2010	H	Executive Session: 1/28/2010 10:00 AM LOB 305 (Continued 2/2/2010 10:00 AM LOB 305 If Necessary)
02/03/2010	H	Committee Report: Ought to Pass with AM #0424h (New Title) for Feb 10 CC (vote 15-0); HC 13 , PG.532
02/03/2010	H	Proposed Committee Amendment #0424h (New Title); HC 13 , PG.568
02/10/2010	H	Removed from Consent Calendar (Rep Vaillancourt); HJ 16 , PG.748
02/10/2010	H	Amendment #0424h (New Title) Adopted, VV; HJ 16 , PG.781-782
02/10/2010	H	Ought to Pass with Amendment #0424h (New Title): MA VV; HJ 16 , PG.781-782
03/24/2010	S	Introduced and Referred to Energy, Environment and Economic Development; SJ 11 , Pg.263
04/09/2010	S	Hearing: April 22, 2010, Room 102, LOB, 9:50 a.m.; SC15
05/06/2010	S	Committee Report: Ought to Pass with Amendment 1948s, NT, 5/12/10; SC19
05/12/2010	S	Committee Amendment 1948s, NT, AA, VV; SJ 18 , Pg.456
05/12/2010	S	Ought to Pass with Amendment 1948s, NT, MA, VV; OT3rdg; SJ 18 , Pg.456
05/12/2010	S	Passed by Third Reading Resolution; SJ 18 , Pg.498
05/19/2010	H	House Non-Concurs with Senate AM and Req Comm of Conf (Rep Spang): MA VV; HJ 46 , PG.2195
05/19/2010	H	Speaker Appoints: Reps Tupper, Moody, Gottling & Bolster; HJ 46 , PG.2195
05/19/2010	S	Sen. Fuller Clark accedes to House Request for Committee of Conference, MA, VV; SJ 20 , Pg.656
05/19/2010	S	President Appoints: Senators Fuller Clark, Merrill and Bradley; SJ 20 , Pg.656
05/21/2010	H	Conference Committee Meeting: 5/24/2010 4:00 PM LOB 305 ==Recessed==
05/25/2010	S	Conferee Change; Senator Lasky Replaces Senator Merrill; SJ 20 , Pg.657
05/25/2010	H	==Reconvene==Conference Committee Meeting: 5/26/10 4:00 PM LOB 305 ==TIME CHANGE (From 3:00 PM)==
05/27/2010	S	Conference Committee Report 2264; Senate Amendment + New Amendment, Filed

06/02/2010	S	Conference Committee Report 2264; Adopted, VV; SJ 21 , Pg.683
06/02/2010	H	Conference Committee Report #2264 Adopted, VV; HJ 51 , PG.2316
06/02/2010	S	Enrolled Bill Amendment #2420, NT, Adopted; SJ 21 , Pg.764
06/02/2010	H	Enrolled Bill Amendment #2420 (New Title) Adopted; HJ 51 , PG.2324
06/02/2010	S	Enrolled; SJ 21 , Pg.778
06/02/2010	H	Enrolled; HJ 51 , PG.2327
07/15/2010	H	Signed by the Governor 07/13/2010; Chapter 0306
07/15/2010	H	I. Section 2 Effective 12/31/2013
07/15/2010	H	II. Remainder Effective 07/13/2010

NH House

NH Senate

Contact Us

New Hampshire General Court Information Systems
107 North Main Street - State House Room 31, Concord NH 03301

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 1462 ORIGINAL REFERRAL

RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE SECRETARY 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.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE on which you have taken attendance

HEARING REPORT (written summary of hearing testimony)

HEARING TRANSCRIPT (verbatim transcript of hearing)

List attachments (testimony and submissions which are part of the transcript) by number [1 thru 4 or 1, 2, 3, 4] here: Attachments 1-5

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 1485 - AMENDMENT # 1744c
 - AMENDMENT # 1749s - AMENDMENT # 1722s

ALL AVAILABLE VERSIONS OF THE BILL:

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

PREPARED TESTIMONY AND OTHER SUBMISSIONS (Which are not part of the transcript)

List by letter [a thru g or a, b, c, d] here: _____

EXECUTIVE SESSION REPORT

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

IF YOU HAVE A RE-REFERRED BILL, YOU ARE GOING TO MAKE UP A DUPLICATE FILE FOLDER

DATE DELIVERED TO SENATE CLERK

10/1/10

Mandy Cole
COMMITTEE SECRETARY