

Bill as Introduced

SB 362 - AS INTRODUCED

2010 SESSION

10-2689

03/10

SENATE BILL

362

AN ACT

relative to giving swimmers and kayakers the right of way.

SPONSORS:

Sen. Odell, Dist 8; Sen. Bradley, Dist 3; Sen. Sgambati, Dist 4; Rep. Sad, Ches 2

COMMITTEE:

Energy, Environment and Economic Development

ANALYSIS

This bill gives swimmers and kayakers the right of way on water.

.....

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to giving swimmers and kayakers the right of way.

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

1 1 General Rules for Vessels Operating on Water; Right-of-Way. Amend RSA 270-D:2, IX to read
2 as follows:

3 IX. Canoes, **kayaks**, rowboats, [~~and~~] sailboats, **and swimmers** shall be given the right-of-
4 way. This requirement shall not be construed to allow deliberate impediment of motorboats by
5 canoes, **kayaks**, rowboats, [~~or~~] sailboats, **or swimmers**.

6 2 Effective Date. This act shall take effect January 1, 2011.

SB 362 - AS AMENDED BY THE SENATE

01/27/2010 0214s

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CHAPTER 41
SB 362 – FINAL VERSION

01/27/2010 0214s

2010 SESSION

10-2689
03/10

SENATE BILL **362**

AN ACT relative to giving swimmers and kayakers the right of way.

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CHAPTER 41
SB 362 – FINAL VERSION

01/27/2010 0214s

10-2689
03/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Ten

AN ACT relative to giving swimmers and kayakers the right of way.

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

1 41:1 General Rules for Vessels Operating on Water; Right-of-Way. Amend RSA 270-D:2, IX to
2 read as follows:

3 IX. Canoes, *kayaks*, rowboats, [~~and~~] sailboats, *and swimmers* shall be given the right-of-
4 way. This requirement shall not be construed to allow deliberate impediment of motorboats by
5 canoes, *kayaks*, rowboats, [~~or~~] sailboats, *and swimmers*.

6 41:2 Effective Date. This act shall take effect January 1, 2011.

7 Approved: May 18, 2010

8 Effective Date: January 1, 2011

Amendments

Energy, Environment and Economic Development
January 20, 2010
2010-0214s
03/10



Amendment to SB 362

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

2

3 1 General Rules for Vessels Operating on Water; Right-of-Way. Amend RSA 270-D:2, IX to read
4 as follows:

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6 way. This requirement shall not be construed to allow deliberate impediment of motorboats by
7 canoes, *kayaks*, rowboats, [~~or~~] sailboats, *and swimmers*.

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 ✓

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

open 10:13

close 10:17

Date: January 14, 2010

HEARINGS

Wednesday

1/20/2010

ENERGY, ENVIRONMENT AND ECONOMIC DEVELOPMENT LOB 102 8:30 AM

(Name of Committee) (Place) (Time)

EXECUTIVE SESSION MAY FOLLOW

Comments: **This Amended Notice changes the day of the hearings to Wednesday, January 20th, to accommodate the Governor's State of the State address on Thursday, January 21st.**

- 8:30 AM SB382 relative to the New Hampshire natural plant protection act.
- 8:45 AM SB442 relative to the grant program to administer exotic aquatic plant prevention.
- 9:00 AM SB441 relative to the lakes management and protection program.
- 9:15 AM SB426 relative to the classification of Pleasant Lake.
- 9:30 AM SB362 relative to giving swimmers and kayakers the right of way.

Sponsors:

SB382

- | | | | |
|---------------------|--------------------|--------------------------|---------------------|
| Sen. Harold Janeway | Rep. Dennis Abbott | Rep. Jayne Spaulding | Rep. Pamela Hubbard |
| Rep. David Borden | Sen. Bob Odell | Sen. Martha Fuller Clark | |

SB442

- | | | | |
|------------------------|-----------------------|--------------------|---------------------|
| Sen. Amanda Merrill | Sen. Deborah Reynolds | Rep. Jane Beaulieu | Rep. Barbara French |
| Rep. Anthony DiFruscia | Rep. Alida Millham | | |

SB441

- | | | | |
|---------------------|-----------------------|------------------------|----------------|
| Sen. Amanda Merrill | Sen. Deborah Reynolds | Sen. Kathleen Sgambati | Sen. Bob Odell |
| Rep. Frank Tupper | Rep. Alida Millham | | |

SB426

- | | | | |
|-----------------------|--------------------------|---------------------|-------------------|
| Sen. John Barnes, Jr. | Rep. Frank Case | Rep. John Reagan | Rep. Maureen Mann |
| Rep. Susi Nord | Sen. Martha Fuller Clark | Sen. Jacalyn Cilley | Sen. Jeb Bradley |
| Sen. Bob Odell | Sen. Amanda Merrill | | |

SB362

- | | | | |
|----------------|------------------|------------------------|---------------|
| Sen. Bob Odell | Sen. Jeb Bradley | Sen. Kathleen Sgambati | Rep. Tara Sad |
|----------------|------------------|------------------------|---------------|

Energy, Environment and Economic Development Committee

Hearing Report

TO: Members of the Senate

FROM: Michael Rollo, *Legislative Aide*

RE: Hearing report on **SB 362** -An act relative to giving swimmers and kayakers the right of way.

HEARING DATE: January 20, 2010

MEMBERS OF THE COMMITTEE PRESENT:

Senators Fuller Clark, Merrill, Lasky, Bradley,
and Odell

MEMBERS OF THE COMMITTEE ABSENT: Cilley

Sponsor(s): Sen. Odell, Dist 8; Sen. Bradley, Dist 3; Sen. Sgambati, Dist 4;
Rep. Sad, Ches 2

What the bill does: This bill gives swimmers and kayakers the right of way on water.

Who supports the bill: *Jared Teutsch, NH Lakes Association, Greg Whitman, representing self, Sen. Sgambati*

Who opposes the bill: *None*

Summary of testimony received:

Senator Odell, Dist 8- Prime Sponsor of SB 362

- The proposed legislation gives kayakers and swimmers equal right of way along with other non-mechanized water craft such as canoes, rowboats, and sailboats.
- Senator Odell was agreeable to minor amendment substituting the word or for and on line 5 of the bill.

Greg Whitman, NH Marathon Swimmer

- Explained his experiences as an avid marathon swimmer. Has completed marathons across country, most notably in San Francisco and San Diego where he set an unofficial world's record.

Jared Teutsch, NH Lakes Association

- Supports but in the interest of time declined to speak.

Hearing closed at 10:15am.

Funding: *Not applicable*

Future Action: Senator Fuller Clark offered an amendment, seconded by Senator Lasky. Amendment adopted 5-0. Senator Odell moved Ought to Pass with Amendment on SB 362, seconded by Senator Fuller Clark. Adopted 5-0. Senator Odell will report this bill to the floor.

MSR

file: SB 362

Date: January 21, 2010

ME

Date: January 20, 2010
Time: 10:13 a.m.
Room: LOB Room 102

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

Senate Bill 362 relative to giving swimmers and kayakers the right of way.

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

The Chair, Senator Martha Fuller Clark, opened the hearing on Senate Bill 362 and invited the prime sponsor, Senator Bob Odell, to introduce the legislation.

Senator Bob Odell, D. 8: Thank you, Madam Chair.

Senator Martha Fuller Clark, D. 24: And I apologize for the delay.

Senator Bob Odell, D. 8: Thank you to the Committee members. This is simply an update or making more inclusive RSA 270-D:2, IX. And it simply adds kayakers and kayaks and swimmers to be given the right-of-way versus motorized craft. And I think that this is timely, given that, from my experience - say a lake like little Sunapee - that at the public boat launch, the number of kayaks far exceeds the number of motorized boats that use it on the weekends. So, this is an important update of the statute.

Senator Martha Fuller Clark, D. 24: Thank you, Senator. I just have one question for you. I'm not sure I understand why it's "or". I know it was "or" in the original legislation.

Senator Bob Odell, D. 8: Yes.

Senator Martha Fuller Clark, D. 24: Why wouldn't it be "and"?

Senator Betsi DeVries, D. 18: Well, Legislative ... Office of Legislative Services determined that it should be "or".

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

Senator Bob Odell, D. 8: I'm open-minded.

Senator Martha Fuller Clark, D. 24: Thank you. Just doesn't make sense to me. That's all right.

Senator Jeb E. Bradley, D. 3: You're right.

Senator Martha Fuller Clark, D. 24: Okay. Do I have a sign-up sheet? Senator Sgambati has signed up in support, does not wish to speak. Greg Whitman?

Greg Whitman: I'm Greg Whitman. I'm here representing myself. I am, as some of you might know, an avid open-water swimmer. I also spend a fair amount of time on the lakes in the summer in both my canoe and my kayak. I feel that New Hampshire is one of the great states in this country that allows us the opportunity to these waterways and just feel that this legislation will help support the safe use of these waterways for all of the people wishing to use it.

Senator Martha Fuller Clark, D. 24: Thank you very much. Are there questions for Mr. Whitman?

Senator Jeb E. Bradley, D. 3: Congratulations.

Mr. Whitman: Thank you.

Senator Bette R. Lasky, D. 13: For what? He swam somewhere?

Senator Jeb E. Bradley, D. 3: I'm assuming he does a lot of marathon swimming.

Mr. Whitman: I do do a lot. I do do a fair amount of marathon swimming; actually participated in a ten-mile race in Vermont last summer.

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

Mr. Whitman: If it was ten and a half miles...

Senator Martha Fuller Clark, D. 24: And your California race, which I think is the most astonishing one of all.

Mr. Whitman: The...

Senator Martha Fuller Clark, D. 24: Yes.

Mr. Whitman: I'll sit back down.

Senator Bette R. Lasky, D. 13: For the record.

Senator Amanda Merrill, D. 21: Since you asked.

Senator Bette R. Lasky, D. 13: For the record.

Mr. Whitman: I did do two ... Actually, I did three races in California last year. I did a ten-kilometer race from the Golden Gate Bridge to the Bay Bridge. I also did a race that was about two and a half miles from San Francisco to Alcatraz and back. I actually have the unofficial world record for that, if there is such a thing. The race director thought that there was. I question whether or not his facts were accurate, but nonetheless, that's what I was told. And then I did two races that were back-to-back in San Diego at the end of the summer, and one was a one-mile and one was a three-mile. Those races had over 500 participants in them.

Senator Martha Fuller Clark, D. 24: And how did you do?

Mr. Whitman: I was fifth in both.

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

Senator Martha Fuller Clark, D. 24: Congratulations.

Senator Bette R. Lasky, D. 13: Yeah, you were right.

Senator Jeb E. Bradley, D. 3: Congratulations.

Mr. Whitman: Good foresight, Senator.

Senator Martha Fuller Clark, D. 24: Jared?

Jared Teutsch, New Hampshire Lakes Association: (Speaking from the back of the room) Oh, I had nothing to add. We support the bill. New Hampshire Lakes support the bill.

Senator Martha Fuller Clark, D. 24: And did you have any written comments? No? Okay.

Senator Bette R. Lasky, D. 13: Does he swim?

Senator Martha Fuller Clark, D. 24: Thank you very much. If we could close the public hearing.

Hearing concluded at 10:17 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Marty Cote". The signature is written in a cursive style with a large, stylized initial "M".

Marty Cote
Senate Secretary
1/27/10

Speakers

Voting Sheets

Senate Energy, Environment & Economic Development Committee EXECUTIVE SESSION

Bill # SB 362

Hearing date: 1/20/10

Executive session date: 1/20/10

Motion of: OTP/A

VOTE: S-O

Made by	Fuller Clark <input type="checkbox"/>	Seconded	Fuller Clark <input checked="" type="checkbox"/>	Reported	Fuller Clark <input type="checkbox"/>
Senator:	Merrill <input type="checkbox"/>	by Senator:	Merrill <input type="checkbox"/>	by Senator:	Merrill <input type="checkbox"/>
	Lasky <input type="checkbox"/>		Lasky <input type="checkbox"/>		Lasky <input type="checkbox"/>
	Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>		Cilley <input type="checkbox"/>
	Odell <input checked="" type="checkbox"/>		Odell <input type="checkbox"/>		Odell <input checked="" type="checkbox"/>
	Bradley <input type="checkbox"/>		Bradley <input type="checkbox"/>		Bradley <input type="checkbox"/>

<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Lasky	<input checked="" 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 checked="" 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: 02145

Notes:

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: January 21, 2010

THE COMMITTEE ON Energy, Environment and Economic Development
to which was referred Senate Bill 362

AN ACT relative to giving swimmers and kayakers the right of
way.

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

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5 - 0

AMENDMENT # 0214s

Senator Bob Odell
For the Committee

Marty Cote 271-3045

New Hampshire General Court - Bill Status System

Docket of SB362

Docket Abbreviations

Bill Title: relative to giving swimmers and kayakers the right of way.*Official Docket of SB362:*

Date	Body	Description
01/06/2010	S	Introduced 1/6/2010 and Referred to Energy, Environment and Economic Development Committee; SJ 1 , Pg
01/14/2010	S	Hearing; January 20, 2010, Room 102, LOB, 9:30 a.m.; SC3
01/21/2010	S	Committee Report; Ought to Pass with Amendment 0214s, 1/27/10; SC4 pg. 5
01/27/2010	S	Committee Amendment 0214s, AA, VV;
01/27/2010	S	Ought to Pass with Amendment 0214s, MA, VV; OT3rdg, SJ 4 , Pg.48
01/27/2010	S	Passed By Third Reading Resolution; SJ 4 , Pg.56
02/17/2010	H	Introduced and Referred to Transportation; HJ 18 , PG.1017
03/03/2010	H	Public Hearing: 3/16/2010 11:30 AM LOB 203
03/16/2010	H	Executive Session: 3/23/2010 10:30 AM LOB 203
03/24/2010	H	Committee Report: Ought to Pass for April 14 (Vote 16-0; CC); HC 29 , PG.1457
04/14/2010	H	Ought to Pass: MA VV; HJ 32 , PG.1582
04/21/2010	S	Enrolled; SJ 15 , Pg.331
04/21/2010	H	Enrolled; HJ 35 , PG.1671
05/18/2010	S	Signed by the Governor on 05/18/2010; Effective 01/01/2011; Chapter 0041

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

SB 362 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: _____

SIGN-UP SHEET

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 02145 _____ - AMENDMENT # _____
_____ - AMENDMENT # _____ _____ - AMENDMENT # _____

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

1/27/10



COMMITTEE SECRETARY