

Bill as
Introduced

HB 507-FN - AS INTRODUCED

2013 SESSION

13-0200

06/01

HOUSE BILL

507-FN

AN ACT

relative to the maximum permit application fee for certain municipal dredging projects.

SPONSORS:

Rep. Daniels, Hills 40; Rep. S. Sweeney, Hills 23; Sen. Bragdon, Dist 11

COMMITTEE:

Resources, Recreation and Development

ANALYSIS

This bill limits the maximum permit application fee for certain municipal dredging projects.

Explanation:

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

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

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to the maximum permit application fee for certain municipal dredging projects.

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

- 1 1 New Subparagraph; Excavating and Dredging Permit; Maximum Application Fee. Amend
- 2 RSA 482-A:3, X by inserting after subparagraph (b) the following new subparagraph:
- 3 (c) For municipal dredging projects with the primary purpose to restore or reclaim a lake
- 4 or pond, the maximum application fee for a municipality shall be \$5,000 per application plus
- 5 provisions for technical or consulting services or a combination of such services as necessary to meet
- 6 the needs of the department. The department may enter into a memorandum of agreement with a
- 7 municipality to accept equivalent technical or consulting services or a combination of such services in
- 8 lieu of a portion of the standard application fees.
- 9 2 Effective Date. This act shall take effect July 1, 2013.

HB 507-FN - FISCAL NOTE

AN ACT relative to the maximum permit application fee for certain municipal dredging projects.

FISCAL IMPACT:

The Department of Environmental Services states this bill, as introduced, will decrease state restricted revenue and local expenditures by \$82,120 in FY 2014. There will be no fiscal impact on state and county expenditures, or county and local revenue.

METHODOLOGY:

This bill establishes a maximum permit application fee of \$5,000 plus technical or consulting costs for municipal dredging projects with the primary purpose to restore or reclaim a lake or pond. The Department of Environmental Services states it receives very few applications for large scale municipal dredge projects, typically no more than one every four to ten years. For the purposes of this fiscal note, the Department assumes it will receive one application during FY 2014, and no applications in FY 2015 – 2017. The Department also assumes the number of municipal dredge permit applications will be unchanged by the new application fee, and that the level of effort exerted by the Department will be the same regardless of the application fee, so agency costs for processing permit applications will remain unchanged.

RSA 482:A-3, I(c) currently establishes a permit application fee of \$0.20 per square foot of the proposed project's impact. Revenue from the fee is deposited into a nonlapsing wetlands and shorelands review fund. Assuming a ten-acre dredge, which the Department describes as typical for a project of this type, state restricted revenue would be \$87,120 under the existing fee structure ($\$0.20 * 43,560$ square feet per acre * 10 acres). Under the bill, state restricted revenue would be \$5,000, resulting in a revenue decrease of \$82,120. Municipal expenditures would decrease by the same amount. The Department states the actual cost to review, permit, and monitor large dredge projects varies depending on project complexity, but costs are typically in the range of \$10,000 to \$15,000, meaning the maximum fee proposed by the bill will likely be insufficient to cover review costs.

HB 507-FN - AS AMENDED BY THE HOUSE

20Feb2013... 0241h

2013 SESSION

13-0200

06/01

HOUSE BILL **507-FN**

AN ACT relative to the maximum permit application fee for certain municipal dredging projects.

SPONSORS: Rep. Daniels, Hills 40; Rep. S. Sweeney, Hills 23; Sen. Bragdon, Dist 11

COMMITTEE: Resources, Recreation and Development

ANALYSIS

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HB 507-FN - AS AMENDED BY THE HOUSE

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2 RSA 482-A:3, X by inserting after subparagraph (b) the following new subparagraph:

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5 provisions for technical or consulting services or a combination of such services as necessary to meet
6 the needs of the department. The department may enter into a memorandum of agreement with a
7 municipality to accept equivalent technical or consulting services or a combination of such services in
8 lieu of a portion of the standard application fees.

9 2 Effective Date. This act shall take effect July 1, 2013.

HB 507 FISCAL NOTE

AN ACT relative to the maximum permit application fee for certain municipal dredging projects.

FISCAL IMPACT:

The Department of Environmental Services states this bill, as amended by the House (Amendment #2013-0241h), will decrease state restricted revenue and local expenditures by \$77,120 in FY 2014. There will be no fiscal impact on state and county expenditures, or county and local revenue.

METHODOLOGY:

This bill establishes a maximum permit application fee of \$10,000 plus technical or consulting costs for municipal dredging projects with the primary purpose to restore or reclaim a lake or pond. The Department of Environmental Services states it receives very few applications for large scale municipal dredge projects, typically no more than one every four to ten years. For the purposes of this fiscal note, the Department assumes it will receive one application during FY 2014, and no applications in FY 2015 – 2017. The Department also assumes the number of municipal dredge permit applications will be unchanged by the new application fee, and that the level of effort exerted by the Department will be the same regardless of the application fee, so agency costs for processing permit applications will remain unchanged.

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Committee Minutes

**SENATE CALENDAR NOTICE
WAYS AND MEANS**

Senator Bob Odell Chairman
 Senator Lou D'Allesandro V Chairman
 Senator Andrew Hosmer
 Senator Chuck Morse
 Senator Jim Rausch

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 16, 2013

HEARINGS

Tuesday

4/30/2013

WAYS AND MEANS

SH 103

9:30 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:30 AM	HB185-FN	relative to the fuel oil discharge cleanup fund.
9:45 AM	HB411-FN-A	repealing a future reduction in vessel registration fees.
10:00 AM	HB507-FN	relative to the maximum permit application fee for certain municipal dredging projects.

Sponsors:

HB185-FN

Rep. Leigh Webb

Rep. Robert Haefner

Sen. Lou D'Allesandro

Sen. Bob Odell

HB411-FN-A

Rep. David Huot

Rep. John Burt

HB507-FN

Rep. Gary Daniels

Rep. Shawn Sweeney

Sen. Peter Bragdon

Ways and Means Committee

Sonja Caldwell, Legislative Aide

HB 507-FN - relative to the maximum permit application fee for certain municipal dredging projects.

Hearing date: April 30, 2013

Members present: Sen. Odell, Sen. D'Allesandro, Sen. Morse, Sen. Rausch, Sen. Hosmer

Members absent:

Sponsor(s): Rep. Daniels, Hills 40; Rep. S. Sweeney, Hills 23; Sen. Bragdon, Dist 11

What the bill does: This bill limits the maximum permit application fee for certain municipal dredging projects.

Who supports the bill: Cordell Johnston (NH Municipal Assoc.), Rep. Daniels, Rene Pelletier (DES)

Who opposes the bill: No one

Summary of testimony received:

Rep Gary Daniels

- Osgood pond in Milford - used for fishing and recreational boating.
- Need to dredge it to keep it in shape for these activities.
- Appropriated \$25,000 for town share for dredging, got on federal list, hurricane Katrina hit, projects were frozen. They are back on the list but the Town share is now \$400,000 because of the size of the pond and the formula.
- Put this bill in last year.
- Dept. of Environmental Services supports the bill.

Rene Pelletier - DES

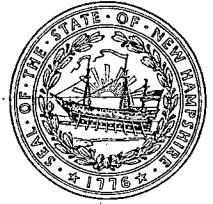
- This project has been looked at for 19 years in Milford.
- They are looking at dredging 5 acres.
- DES supports the \$10,000 cap for inland ponds and lakes for municipalities only.
- Submitted written testimony.

Speakers

Testimony



The State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES



Thomas S. Burack, Commissioner

April 30, 2013

The Honorable Bob Odell, Chairman
Ways and Means Committee
State House, Room 103
Concord, NH 03301

RE: HB 507-FN - Relative to the maximum permit application fee for certain municipal dredging projects.

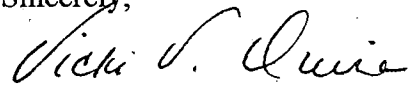
Dear Chairman Odell:

Thank you for the opportunity to comment on House Bill 507-FN, as amended, that would establish a maximum wetlands application fee of \$10,000 for certain municipal dredge projects whose primary purpose is to restore or reclaim lakes or ponds. The Department of Environmental Services (DES) supports HB 507-FN as amended.

There is currently a statutory cap of \$10,000 on wetlands application fees for New Hampshire Department of Transportation (DOT) projects [ref. RSA 482-A:3,X.(a)] and tidal dredging projects to improve navigation for a municipality [ref. RSA-482-A:3,X.(b)]. As amended, HB 507-FN is consistent with these existing sections of statute and is, therefore, acceptable to DES. In addition, the fiscal impact, while indeterminable, is expected to be minor because our experience has been that very few large municipal dredging projects occur in New Hampshire, typically fewer than one per year.

Thank you for this opportunity to comment. Please contact Mr. Rene Pelletier at 271-2951, or me at 271-2958, if you have any questions or need additional information.

Sincerely,


for Thomas S. Burack, Commissioner

cc: Senator Bragdon
Representative Daniels
Representative Sweeney

Voting Sheets

Senate Ways & Means Committee

EXECUTIVE SESSION

Bill # HB507

Hearing date: 4-30-13
 Executive session date: 4-30
 Motion of: OTB

Room: State House - Room 100

VOTE: 5-0

<u>Made by</u>	Odell	<input type="checkbox"/>	<u>Seconded</u>	Odell	<input type="checkbox"/>
<u>Senator:</u>	D'Allesandro	<input type="checkbox"/>	<u>by Senator:</u>	D'Allesandro	<input checked="" type="checkbox"/>
	Morse	<input checked="" type="checkbox"/>		Morse	<input type="checkbox"/>
	Rausch	<input type="checkbox"/>		Rausch	<input type="checkbox"/>
	Hosmer	<input type="checkbox"/>		Hosmer	<input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>YES</u>	<u>NO</u>	<u>Reported out by</u>
Senator Odell	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>Odell</u>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Rausch	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Senator Hosmer	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

*Amendments: _____

NOTES: 10 mins

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: April 30, 2013

THE COMMITTEE ON Ways and Means

to which was referred House Bill 507-FN

AN ACT relative to the maximum permit application fee for certain
 municipal dredging projects.

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

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Bob Odell
For the Committee

Sonja Caldwell 271-2117.

New Hampshire General Court - Bill Status System

Docket of HB507

Docket Abbreviations

Bill Title: relative to the maximum permit application fee for certain municipal dredging projects.*Official Docket of HB507:*

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Resources, Recreation and Development; HJ 12 , PG.198
1/29/2013	H	Public Hearing: 2/5/2013 10:15 AM LOB 305
2/6/2013	H	Executive Session: 2/12/2013 10:15 AM LOB 305
2/13/2013	H	Committee Report: Ought to Pass with Amendment #0241h for Feb 20 (Vote 17-0; CC); HC 15 , PG.269
2/13/2013	H	Proposed Committee Amendment #2013-0241h ; HC 15 , PG.296-297
2/20/2013	H	Amendment #0241h: AA VV; HJ 21 , PG.470
2/20/2013	H	Ought to Pass with Amendment #0241h: MA VV; HJ 21 , PG.470
2/20/2013	H	Referred to Ways and Means; HJ 21 , PG.470
2/20/2013	H	Public Hearing: 2/28/2013 10:00 AM LOB 202
3/7/2013	H	Executive Session: 3/19/2013 2:00 PM LOB 202
3/20/2013	H	Committee Report: Ought to Pass for Mar 27 (Vote 16-0; CC); HC 25 , PG.706
3/27/2013	H	Ought to Pass : MA VV; HJ31 , PG.1025
3/28/2013	S	Introduced and Referred to Ways & Means
4/16/2013	S	Hearing: 4/30/13, Room 103, SH, 10:00 a.m.; SC17
5/10/2013	S	Committee Report: Ought to Pass, 5/23/13; SC21
5/23/2013	S	Without Objection, HB 507 is Special Ordered to the Beginning of the Regular Calendar, 2/3 Necessary; MA;
5/23/2013	S	Ought to Pass : MA, VV; OT3rdg;
6/6/2013	S	Enrolled
6/13/2013	H	Enrolled [Recess of 6/5/13]
7/2/2013	H	Signed By Governor 06/28/2013; Effective 07/01/2013; Chapter 0151

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB507 ORIGINAL REFERRAL _____ RE-REFERRAL

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

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

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

____ - AMENDMENT # ____ ____ - AMENDMENT # ____
____ - AMENDMENT # ____ ____ - AMENDMENT # ____

ALL AVAILABLE VERSIONS OF THE BILL:

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

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

DATE DELIVERED TO SENATE CLERK

7-2-13

SLC

BY COMMITTEE AIDE