

LEGISLATIVE COMMITTEE MINUTES

# **HB254**

# Bill as Introduced

HB 254 - AS INTRODUCED

2015 SESSION

15-0301  
03/08

HOUSE BILL

**254**

AN ACT

relative to exceptions to restrictions on boating.

SPONSORS:

Rep. Byron, Hills 20

COMMITTEE:

Resources, Recreation and Development

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ANALYSIS

This bill establishes an exception for certain municipal employees to restrictions on boating applicable to specified bodies of water.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to exceptions to restrictions on boating.

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

1       1 Restrictions on Boating; Exceptions. Amend RSA 270:75 to read as follows:

2       270:75 State *and Municipal* Employees.

3           I. The provisions of this subdivision shall not apply to the use of outboard motor or power  
4 boats by state employees when essential to the discharge of their official duties in an emergency or  
5 other extraordinary situation.

6           II. *The provisions of this subdivision shall not apply to municipal employees*  
7 *engaged in emergency rescue operations or training.*

8       2 Effective Date. This act shall take effect January 1, 2016.

# Amendments

Rep. Matthews, Rock. 3  
February 4, 2015  
2015-0180h  
03/04

Amendment to HB 254

1 Amend RSA 270:75, II as inserted by section 1 of the bill by replacing it with the following:

2

3 *II. The provisions of this subdivision shall not apply to municipal employees*  
4 *engaged in emergency rescue operations.*



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03/04

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1 Amend RSA 270:75, II as inserted by section 1 of the bill by replacing it with the following:

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3 *II. The provisions of this subdivision shall not apply to municipal employees*  
4 *engaged in emergency rescue operations.*

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 254

**BILL TITLE:** relative to exceptions to restrictions on boating.

**DATE:** January 28, 2015

**LOB ROOM:** 305      **Time Public Hearing Called to Order:** 11:00 a.m.

**Time Adjourned:** 11:28 a.m.

(please circle if present)

**Committee Members:** Reps. C. Christensen, Ferrante, Muller, Wright, Russell, C. Maguire, F. Rice, Gould, Johnson, Matthews, McConnell, Potucek, Suzanne Smith, Spang, Parkhurst, Y. Thomas, Gottling, Bradley, Francese, Maes and Oxenham.

**Bill Sponsors:** Rep. Byron, Hills 20

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

**Rep. Byron-Sponsor:** Supports the bill and characterizes it as housekeeping in nature. Town of Litchfield and can submit petition on bodies of water for exemption. RSA's exempt restrictions if state employees use boats on these exempted bodies of water. However, none for other municipalities in emergency agencies such as Fire Department even for training.

**Rep. Spang:** What RSA are we referring to?

**Rep. Byron:** RSA 270:35.

**Rep. Spang:** If state allows usage does why not for municipalities?

**Rep. Byron:** It should be in common sense for training.

**Cpt. Dunleavy-NH Marine Patrol\*:** We have written testimony and support the bill enthusiastically in its intent. However, training does raise some concerns. Many restrictions are there for environmental and wildlife issues such as loon nesting. We hope that these concerns would be adhered to carefully.

**Rep. McConnell:** How often would training occur?

**Cpt. Dunleavy:** We believe it would be minimal but could be more often in the summer.

**Rep. Oxenham:** Would an amendment allowing for training but not in protected areas?

**Cpt. Dunleavy:** You could remove the training section altogether.

**Rep. Mathews:** Training, is it site specific?

**Cpt. Dunleavy:** Rivers and swift waters are not restricted and require the most training. Also training is needed around dams. These areas would need additional training because of the unique experience they provide. In closing, we could support if the committee would offer a notice to Marine Patrol to control the restricted bodies of water.

**Rep. Spang:** How often?

**Cpt. Dunleavy:** On very few restricted bodies of water.

**Tom O'Brien-NH Lakes Assoc:** We are opposed to allowing this in restricted bodies of water. We feel rules were applied for specific environmental reasons and should not be compromised.

**Rep. Smith:** Does the restrictions include the 1000 lakes and ponds in NH?

**Mr. O'Brien:** Yes there are.

**Rep. Smith:** How many bodies of water are restricted?

**Cpt. Dunleavy:** Restrictions are varied between 50-70, but administrative rules could increase the amount such as those in "no wake zones".

**Rep. Smith:** Could you include smaller number?

**Mr. O'Brien:** Locals must train on local bodies of water to be familiar with issues, but should go through the Dept of Safety for approval for each one.

**Rep. Bryon:** A petition was submitted by the Town of Litchfield and the Fire Department to exempt Darrah Pond, Litchfield, NH from the restrictions, but was denied by the state.

**Rep. Christensen:** What is the sized of Darrah Pond?

**Rep. Bryon:** About ten acres.

**Rep. Christensen:** The petition failed?

**Rep. Bryon:** Yes. The Town sought out the exemption due to hardship.

**Rep. Spang:** Cpt. Dunleavy, is that a reason for denial?

**Cpt. Dunleavy:** The decision would be based on many criteria.

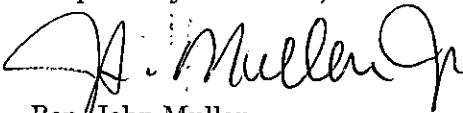
**Rep. Christensen:** Is there public access on the pond?

**Rep. Bryon:** Yes it has a public access.

**Rep. Mathews:** What would be the cost of permit for an exemption?

**Cpt. Dunleavy:** There are no charges for any permits.

Respectfully submitted,



Rep/John Mullen  
Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 254

BILL TITLE: relative to exceptions to restrictions on boating.

DATE: 1/28/15

LOB ROOM: 305

Time Public Hearing Called to Order: 11:00 am

Time Adjourned: 11:28 am

(please circle if present)

Committee Members: Reps. ~~C. Christensen, Ferrante, Mullen, Wright, Russell, C. Maguire, F. Rice, Gould, Johnson, Matthew, McConnell, Potucek, Suzanne Smith, Spang, Parkhurst, Y. Thomas, Gottling, Bradley, Franceso, Maes and Oxenham.~~

Bill Sponsors: Rep. Byron, Hills 20

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

\*Capt. Tim Dunlevy for Bill with reservations  
Tom O'Brien: not in favor.

## RRD Hearings 01-28-2015

### MINUTES

**HB 201** (Rep Sue Gottling transcribed minutes and were submitted.)

#### **HB 254**

**Rep Byron-Sponsor:** Supports the bill and characterizes it as housekeeping in nature. Town of Litchfield and can submit petition on bodies of water for exemption. RSA's exempt restrictions if state employees use boats on these exempted bodies of water. However, none for other municipalities in emergency agencies such as Fire Department even for training.

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**Cpt. Dunleavy:** There are no charges for any permits.

Testimony concluded.

# Testimony





# State of New Hampshire

DEPARTMENT OF SAFETY  
JAMES H. HAYES BLDG. 33 HAZEN DR.  
CONCORD, N.H. 03305  
603/271-2559

JOHN J. BARTHELMES  
COMMISSIONER OF SAFETY

EARL M. SWEENEY  
ASSISTANT COMMISSIONER

## LEGISLATIVE POSITION NH DEPARTMENT OF SAFETY

**HB 254:** Relative to exempting municipal employees from operating restrictions of power boats during the execution of their duties at time of an emergency or extraordinary circumstance.

**Position:** Opposed to the current language, offering a recommendation.

Dear Honorable Members of the Committee:

HB 254 proposes to extend the same exemptions to municipal employees currently granted to State employees by allowing them to operate power boats on restricted bodies of water while executing their duties during an emergency or extraordinary circumstance. In addition, it proposes to exempt municipal employees from these restrictions when training.

Currently RSA 270:75 allows for the operation of motor boats on restricted bodies of water by State officials *only* while responding to an emergency. Current restrictions in this sub-section include outboard motors, motors above certain horsepower levels, petroleum powered motors, electric motors, and a variety of speed limits.

Reasons for the above restrictions often include the size of the water body (safety concerns when large boats operate at high speeds), drinking water supply, water depth (environmental impacts), and endangering critical wildlife habitat.

It is the opinion of the Department of Safety that exempting public safety officials at the State and municipal levels from these restrictions is essential to their duties in emergency situations.

It is also the opinion of the Department of Safety that exempting officials from these restrictions for training should not outweigh the need to protect sensitive public waters. Our State offers many public water bodies without restrictions that would likely be larger in size and offer better training opportunities.

The Department of Safety respectfully recommends that the language allowing the operation of motor boats on restricted bodies for training be eliminated from the proposal before the committee.

# Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 254

**BILL TITLE:** relative to exceptions to restrictions on boating.

**DATE:** February 4, 2015

**LOB ROOM:** 305

**Amendments:**

Sponsor: Rep. Matthews OLS Document #: 2015 0180h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTR/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Matthews

Seconded by Rep. Potucek

Vote: 19-0 (Please attach record of roll call vote.)

**Motions:** OTR, OTR/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Matthews

Seconded by Rep. Potucek

Vote: 19-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: YES**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. John Mullen, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 254

BILL TITLE: relative to exceptions to restrictions on boating.

DATE: 2/4/15

LOB ROOM: 305

Amendments:

Sponsor: Rep. MATHEWS

OLS Document #: 2015-0190h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. MATTHEWS

Seconded by Rep. DOTUCEK

Vote: (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE 19-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. John Mullen, Clerk



2015 SESSION

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: \_\_\_\_\_ Title: \_\_\_\_\_

PH Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ Exec Session Date: 2/3/2015

Motion: \_\_\_\_\_ Amendment #: 2015-0180H

MEMBER	YEAS	NAYS
Christensen, Chris , Chairman	✓	
Ferrante, Beverly A., V Chairman	✓	
Mullen, John A., Clerk	✓	
Wright, Ted S.	✓	
Russell, David H. <i>PARKER</i>	✓	
McGuire, Carol M.	✓	
Rice, Frederick C.	✓	
Gould, Linda	✓	
Johnson, Eric	✓	
Matthews, Carolyn L.	✓	
McConnell, Jim W.	✓	
Potucek, John M.	✓	
Smith, Suzanne J.	✓	
Spang, Judith T.	✓	
Parkhurst, Henry A. L.		
Thomas, Yvonne D.	✓	
Gottling, Suzanne H.	✓	
Bradley, Paula E	✓	
Francese, Paula	✓	
Maes, Kevin G.	✓	
Oxenham, Lee Walker		
<b>TOTAL VOTE:</b>	<b>19</b>	<b>0</b>



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/8/2015 1:45:58 PM  
Roll Call Committee Registers  
Report

2015 SESSION

RESOURCES, RECREATION AND DEVELOPMENT

Bill #: HB2554 Title: \_\_\_\_\_

PH Date: 1/1/ Exec Session Date: 2 1 3 12015

Motion: OTPA Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Christensen, Chris , Chairman	✓	
Ferrante, Beverly A., V Chairman	✓	
Mullen, John A., Clerk	✓	
Wright, Ted S.	✓	
Russell, David H. <i>PARKER</i>	✓	
McGuire, Carol M.	✓	
Rice, Frederick C.	✓	
Gould, Linda	✓	
Johnson, Eric	✓	
Matthews, Carolyn L.	✓	
McConnell, Jim W.	✓	
Potucek, John M.	✓	
Smith, Suzanne J.	✓	
Spang, Judith T.	✓	
Parkhurst, Henry A. L.		
Thomas, Yvonne D.	✓	
Gottling, Suzanne H.	✓	
Bradley, Paula E	✓	
Francese, Paula	✓	
Maes, Kevin G.	✓	
Oxenham, Lee Walker		
TOTAL VOTE:	19	0

# Committee Report

**CONSENT CALENDAR**

**February 5, 2015**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred HB254,**

**AN ACT relative to exceptions to restrictions on boating. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.**

**Rep. Carolyn L. Matthews**

**FOR THE COMMITTEE**



## COMMITTEE REPORT

Committee:	RESOURCES, RECREATION AND DEVELOPMENT
Bill Number:	HB254
Title:	relative to exceptions to restrictions on boating.
Date:	February 5, 2015
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

### STATEMENT OF INTENT

According to RSA 270:75, only state employees are exempt from the prohibition against use of outboard motors or power boats in restricted waters, and only when an emergency or other extraordinary situation occurs. This bill extends that exemption to municipal employees engaged in emergency rescue operations or training. While exempting the restriction on municipal employees engaged in emergency rescue is critical, other public water bodies without restrictions are available for training. The Department of Safety recommended deleting "or training: due to the need to protect sensitive public waters.

Vote 19-0.

Rep. Carolyn L. Matthews  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### RESOURCES, RECREATION AND DEVELOPMENT

**HB254**, relative to exceptions to restrictions on boating. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Carolyn L. Matthews for RESOURCES, RECREATION AND DEVELOPMENT. According to RSA 270:75, only state employees are exempt from the prohibition against use of outboard motors or power boats in restricted waters, and only when an emergency or other extraordinary situation occurs. This bill extends that exemption to municipal employees engaged in emergency rescue operations or training. While exempting the restriction on municipal employees engaged in emergency rescue is critical, other public water bodies without restrictions are available for training. The Department of Safety recommended deleting "or training: due to the need to protect sensitive public waters. **Vote 19-0.**

HB 254

OTP/A

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Carolyn Matthews

**HB 254** establishing an exception for certain municipal employees to restrictions on boating applicable to specified bodies of water. **OUGHT TO PASS WITH AMENDMENT.**

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*Carolyn Matthews*

*Chris Christensen*

*Beverly A. Ferrant*

**Ebbs, Heather**

**From:** Larivee, Kathy  
**Sent:** Friday, February 06, 2015 12:07 PM  
**To:** Ebbs, Heather  
**Subject:** HB254-Majority.doc

~~Edited copy for the file~~

**CONSENT CALENDAR**

**February 5, 2015**

**HOUSE OF REPRESENTATIVES  
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Committee:	<b>RESOURCES, RECREATION AND DEVELOPMENT</b>
Bill Number:	<b>HB254</b>
Title:	<b>relative to exceptions to restrictions on boating.</b>
Date:	<b>February 5, 2015</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

**STATEMENT OF INTENT**

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Vote 19-0.

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FOR THE COMMITTEE

**CONSENT CALENDAR****RESOURCES, RECREATION AND DEVELOPMENT**

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