

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

ANALYSIS

This bill establishes an exception for certain municipal employees to restrictions on boating applicable to specified bodies of 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Matter which is either (a), all new or (b) repealed and reenacted appears in regular type.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 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.

HB 254 - AS AMENDED BY THE HOUSE

11Feb2015... 0180h

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CHAPTER 86
HB 254 - FINAL VERSION

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8 86:2 Effective Date. This act shall take effect January 1, 2016.

9

10 Approved: June 5, 2015

11 Effective Date: January 1, 2016

Committee Minutes

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

Senator Regina Birdsell Chairman
 Senator David Boutin V Chairman
 Senator Nancy Stiles
 Senator Bette Lasky
 Senator Molly Kelly

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 1, 2015

HEARINGS

Wednesday

4/8/2015

PUBLIC AND MUNICIPAL AFFAIRS

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

9:00 AM	HB254	relative to exceptions to restrictions on boating.
9:15 AM	HB286	relative to permits issued by building inspectors.
9:30 AM	HB363	relative to Lyme disease awareness.
9:45 AM	HB486	authorizing towns and cities to establish special assessment districts.
10:00 AM	HB227	relative to eminent domain on public lands.

Sponsors:

HB254

Rep. Frank Byron

HB286

Rep. David Bickford

HB363

Rep. Pamela Brown

HB486

Rep. Clyde Carson

HB227

Rep. James Belanger

Rep. June Frazer

Rep. Susan Emerson

Rep. James Coffey

Rep. James Coffey

Rep. Janice Gardner

Sen. Gary Daniels

Rep. David Bickford

Rep. Laurence Rappaport

Rep. Carolyn Gargasz

Sen. Jeanie Forrester

Rep. James Grenier

SENATE PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE

Jennifer Horgan, Legislative Aide

HB 254 – relative to exceptions to restrictions on boating.

Hearing Date: 04/08/2015

Time Opened: 9:00 AM

Time Closed: 9:11 AM

Members of the Committee Present: Senators Birdsell, Boutin, Stiles, Lasky, Kelly

Members of the Committee Absent: No one

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

Sponsors: Rep. Byron, Hills 20

Who supports the bill: Representative Byron; Representative Emerson; Captain Tim Dunleavy (Marine Patrol, Department of Safety)

Who opposes the bill: No one

Summary of testimony presented in support:

Representative Byron (submitted written testimony)

- This is the result of an incident in Litchfield a year and half ago, where an abutter asked to restrict outward boaters on a pond and sent a petition to the Department of Safety
- Under current RSAs this petition results in public hearings held by the Department of Safety and the Department then makes a decision as to whether or not it should move forward.
- Did some research and found under RSA 270:75, the only exemption to an enacted restriction would be provided to state employees when it is essential to the discharge of their duties during an emergency or extraordinary situation.
- Municipal employees are not covered under this exemption.
- Originally, this bill would have allowed municipal emergency personnel to be exempt and to allow them to practice on these bodies as well.

- In the House there was a lot of discussion and concerns dealing with the permitted use, the process for allowing this, and how some ponds are environmentally sensitive
- It was suggested in the House to implement a permit basis, where the municipal offices would have to get a permit from the State each time. This was determined to be too cumbersome.
- This amended version only gives municipal employees the same rights in emergency situations as state employees
- Feels that this version does not consider enough possibilities and you can't make a blanket statement to address all these scenarios.
- Recommends changing the RSA to allow the Department of Safety, during their hearing process, to determine whether or not to allow certain exemptions.

Captain Dunleavy (Marine Patrol-Department of Safety) (submitted written testimony)

- In favor of the bill in its proposed form and believes municipalities should have the same exemption state employees have.
- The Department does have a permit process that in the case of hardship they can issue for a body of water that has a ban.
- This permit does not need to be renewed annually, only when there is a change in ownership
- The Department is willing to discuss the Representative's recommendation but, a blanket statement for training purposes might be a slippery slope
- Senator Birdsell questioned if the Representatives recommendation regarding permits would be a slippery slope.
 - Doesn't think that would be, but there are many of bodies of water in the State that already have a restriction in place. That would mean they would all have to have another hearing, which would be a significant lift to re-hear all of those restrictions. The Department could potentially already do this with the permit process they have.
- Senator Lasky asked how long it currently takes to get a permit.
 - The application is available online and they normally go through the process within a week and are free. The restriction hearings can also only be heard between June-September, by statute, to allow vacation homeowners to be present.

Summary of testimony presented in opposition:

- None

Fiscal Note: N/A

Future Action: The Committee took the bill under consideration.

JCH

Date hearing report completed: 04/10/2015

[file: HB0254 report]

Speakers

Testimony



State of New Hampshire

DEPARTMENT OF SAFETY
OFFICE OF THE COMMISSIONER
33 HAZEN DR. CONCORD, NH 03305
603/271-2791

JOHN J. BARTHELMES
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: In Favor

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.

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.

The Department of Safety respectfully recommends passage of HB 254.

Committee Report

STATE OF NEW HAMPSHIRE
SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: 04/22/2015

THE COMMITTEE ON Public and Municipal Affairs

to which was referred House Bill 254

AN ACT relative to exceptions to restrictions on boating.

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

OUGHT TO PASS

BY A VOTE OF: 5-0

CONSENT CALENDAR VOTE: 5-0

Senator Bette Lasky
For the Committee

This bill expands an exception to municipal employees that currently covers state employees, regarding restrictions on boating applicable to specified bodies of water, when they are engaging in emergency rescue operations.

Jennifer Horgan 271-3092

New Hampshire General Court - Bill Status System

Docket of HB254

Docket Abbreviations

Bill Title: relative to exceptions to restrictions on boating.*Official Docket of HB254:*

Date	Body	Description
1/8/2015	H	Introduced and Referred to Resources, Recreation and Development; HJ 12 , PG. 214
1/21/2015	H	==POSTPONED== Public Hearing: 1/27/2015 11:00 AM LOB 305
1/26/2015	H	==RESCHEDULED== Public Hearing: 1/28/2015 11:00 AM LOB 305
2/4/2015	H	Executive Session: 2/4/2015 1:00 PM LOB 305
2/5/2015	H	Committee Report: Ought to Pass with Amendment #2015-0180h for Feb 11 (Vote 19-0; CC); HC11 , PG. 176
2/11/2015	H	Adopt Amendment #0180h: AA VV; HJ 16 , PG. 305
2/11/2015	H	Ought to Pass with Amendment #0180h : MA VV; HJ 16 , PG. 305
3/12/2015	S	Introduced and Referred to Public and Municipal Affairs; SJ 9
4/1/2015	S	Hearing: 4/8/15, Room 102, LOB, 9:00 a.m.; SC16
4/22/2015	S	Committee Report: Ought to Pass, 4/30/15; Vote 5-0; CC; SC19
4/30/2015	S	Ought to Pass : MA, VV; OT3rdg; SJ 12
5/13/2015	S	Enrolled (In recess 5/7/2015); SJ 14
5/13/2015	H	Enrolled (in recess of 5/6/2015); HJ 41 , PG. 1779
6/11/2015	H	Signed by the Governor on 6/5/2015; Chapter 86; Effective Date 1/1/2016

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB0254 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

8/5/15


BY COMMITTEE AIDE