
Committee Report

CONSENT CALENDAR

March 7, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Resources, Recreation and
Development to which was referred HB 244,**

**AN ACT repealing the moorings appeals board. Having
considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Rosemarie Rung

FOR THE COMMITTEE

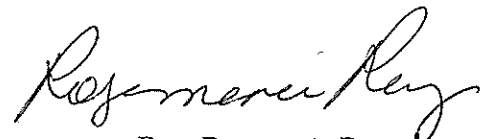
COMMITTEE REPORT

Committee:	Resources, Recreation and Development
Bill Number:	HB 244
Title:	repealing the moorings appeals board.
Date:	March 7, 2019
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

The Moorings Appeals Board exists to adjudicate disputes relating to moorings. Only one appeal has been requested in the last 12 years. All three of the appointed board members are deceased and have not been replaced. This bill will repeal the Moorings Appeal Board and transfer the responsibility for hearings to the Commissioner of the Department of Safety who presently has an established and on-going appeals hearing process. The commissioner can more efficiently and economically absorb any moorings appeals that arise in the future.

Vote 17-0.



Rep. Rosemarie Rung
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Resources, Recreation and Development

HB 244, repealing the moorings appeals board. **OUGHT TO PASS.**

Rep. Rosemarie Rung for Resources, Recreation and Development. The Moorings Appeals Board exists to adjudicate disputes relating to moorings. Only one appeal has been requested in the last 12 years. All three of the appointed board members are deceased and have not been replaced. This bill will repeal the Moorings Appeal Board and transfer the responsibility for hearings to the Commissioner of the Department of Safety who presently has an established and on-going appeals hearing process. The commissioner can more efficiently and economically absorb any moorings appeals that arise in the future. **Vote 17-0.**

Original: House Clerk

Cc: Committee Bill File

RESOURCES, RECREATION AND DEVELOPMENT COMMITTEE

Committee Report – submitted by Rep. Rosemarie Rung

BILL NUMBER: HB 244 (no amendment)
TITLE: repealing the moorings appeals board
DATE: March 5, 2019
Consent Calendar: YES
VOTE: OUGHT TO PASS 17-0

The Moorings Appeals Board exists to adjudicate disputes relating to moorings. Only one appeal has been requested in 12 years. All three of the appointed board members are deceased and have not been replaced. This bill will repeal the Moorings Appeal Board and transfer the responsibility for hearings to the Commissioner of the Department of Safety, who presently has an established and on-going appeals hearing process and can more efficiently and economically absorb any moorings appeals that arise in the future.

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 244

BILL TITLE: repealing the moorings appeals board.

DATE: March 5, 2019

LOB ROOM: 305

MOTIONS: OUGHT TO PASS

Moved by Rep. Rung

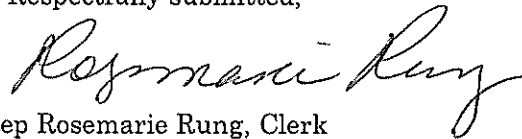
Seconded by Rep. Bushway

Vote: 17-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

A handwritten signature in cursive script that reads "Rosemarie Rung".

Rep Rosemarie Rung, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 244

BILL TITLE: repealing the moorings appeals board.

DATE: March 5, 2019

LOB ROOM: 305

MOTION: (Please check one box)

OTP ITL Retain (1st year) Adoption of Amendment # _____
(if offered)

Moved by Rep. Rung Seconded by Rep. Bushway Vote: 17-0-0

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
(if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
(if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

OTP OTP/A ITL Retain (1st year) Adoption of Amendment # _____
(if offered)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? Yes No If yes, author, Rep: _____ Motion _____

Respectfully submitted: Rosemarie Rung
Rep Rosemarie Rung, Clerk



2019 SESSION

Resources, Recreation and Development

Bill #: HB244 Motion: OTP AM #: — Exec Session Date: 3/5/2019

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Smith, Suzanne J. Chairman	✓		
Maes, Kevin G. Vice Chairman	✓		
Spang, Judith T.	✓		
Parkhurst, Henry A. L.	✓		
Thomas, Yvonne D.	✓		
Grassie, Chuck W.			✓
Bushway, Patricia J.	✓		
Cohen, Bruce L.	✓		
Noel, Henry W.	✓		
Rung, Rosemarie Clerk	✓		
Thomas, Wendy E.N.	✓		
Renzullo, Andrew	✓		
Gould, Linda R.	✓		
Horgan, James F.			✓
Feeney, George	✓		
Gunski, Michael D.	✓		
Harb, Robert D.			✓
Hobson, Deborah L.	✓		
Lucas, Gates S. <i>Bob L'Heureux</i>	✓		
Whittemore, James R.	✓		
TOTAL VOTE:	17	0	3

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 244

BILL TITLE: repealing the moorings appeals board.

DATE: January 29, 2019

LOB ROOM: 305

Time Public Hearing Called to Order: 11:30 a.m.

Time Adjourned: 11:45 a.m.

Committee Members: Reps. Suzanne Smith, Maes, Rung, Spang, Parkhurst, Y. Thomas, Grassie, Bushway, Cohen, Noel, W. Thomas, Renzullo, Gould, Horgan, Feeney, Gunski, Harb, Hobson and Whitemore

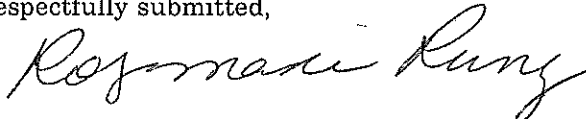
Bill Sponsors:
Rep. Webb

TESTIMONY

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

1. **Rep. James Webb**, main sponsor, introduced HB 224, a bill to repeal the moorings appeals board and provide for appeals to be made directly to the commissioner of the Department of Safety.
2. **Captain Timothy Dunleavy from the Marine Patrol** spoke in favor of this bill. He described how any appeals that would be made would now go before the Department of Safety for an appeal before a hearings officer (attorney). He also described the process of bringing stakeholders together to resolve disputes before the decision would be appealed.

Respectfully submitted,



Rep. Rosemarie Rung
Clerk

NH HOUSE OF REPRESENTATIVES
RESOURCES, RECREATION AND DEVELOPMENT COMMITTEE
TESTIMONY ON HB ~~224~~

044

1. Rep. James Webb, main sponsor, introduced HB 224, a bill to repeal the moorings appeals board and provide for appeals to be made directly to the commissioner of the Department of Safety.
2. Captain Timothy Dunleavy from the Marine Patrol spoke in favor of this bill. He described how any appeals that would be made would now go before the Department of Safety for an appeal before a hearings officer (attorney). He also described the process of bringing stakeholders together to resolve disputes before the decision would be appealed.

###

Testimony

Voting Members:

Michele L. Tremblay
Chair
Conservation
Community

Larry T. Spencer
Vice Chair
Conservation
Commissions

Edna Feighner
Historic/Archeological
Interests

Christopher Hodgdon
NH Fish & Game
Commission

Mark Lombardi
Granite State
Hydropower
Association

Frederick J. McNeill
Municipal Officer

Allan G. Palmer
Business & Industry
Association

Norman Sims
Recreational Interests

Ruth Ward
Local River Management
Advisory Committees

Donald L. Ware
Public Water Suppliers

Vacant
Agricultural Community

Non-Voting Members:

Jennifer Gilbert
NH Office of
Strategic Initiatives

Mark Hemmerlein
NH Department of
Transportation

Kayla Henderson
NH Department of
Safety

John Magee
NH Fish & Game
Department

Gail McWilliam Jellie
NH Department of
Agriculture,
Markets & Food

Vacant
NH Department of
Natural and Cultural
Resources

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Rivers Management and Protection Program

N.H. Rivers Management Advisory Committee

January 29, 2019

The Honorable Suzanne Smith, Chair
House Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 244 *An act repealing the moorings appeals board.*

Dear Chair Smith and Members of the Committee:

The Rivers Management Advisory Committee (RMAC) is writing to express its opposition to House Bill 244, which repeals the moorings appeals board and provides for appeals to be made directly to the commissioner of the department of safety.

The RMAC believes that any appeal should be heard before a neutral body with a diverse membership rather than single political appointee, such as the commissioner of the department of safety.

The RMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483, the Rivers Management and Protection Program. The Governor and Council appointed Committee is comprised of members from business, agriculture, hydroelectric, municipal government, water supply, conservation, recreation, fish and game, and historical interests. Among its other responsibilities, the RMAC is charged with reviewing legislation relevant to the Program and with advising the NHDES Commissioner on the merits of such legislation.

In conclusion, the RMAC opposes HB 244 repealing the moorings appeal board.

Should you have any questions regarding our testimony, please feel free to contact me at 603.796.2615 or MLT@naturesource.net.

Sincerely,



Michele L. Tremblay
RMAC Chair

cc: Rep. James Webb
RMAC Representatives
Robert R. Scott, Commissioner, NHDES
Rene Pelletier, Assistant Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES
Local River Management Advisory Committee Chairs

Voting Members:

David Packard
Chair
NH Lakes Assn.

Bruce Allen
Conservation
Commissions

Mark Borrin
Tourism Industry

Shane Bradt
Scientific Community

Linda Brownson
State Conservation
Committee

Edmund Crawford
Marine Trades
Association

Tiffany Grade
Conservation
Community

Janet Kidder
Planning Boards

Frank Lemay
NH BIA

Ernest Millette
NH Fish & Game
Commission

Rex Norman
Municipal Official

Dick Smith
Fishing Interests

Mary Truell
NH Association of
Realtors

Non-Voting Members:

Garret Graaskamp
Vice Chair
NH Fish & Game Dept.

Capt. Tim Dunleavy
NH Dept. of Safety

Eric Feldbaum
NH Dept. of Natural and
Cultural Resources

Jennifer Gilbert
NH Office of Strategic
Initiatives

Mark Hemmerlein
NH Dept. of Trans.

**David Rousseau/
Bob Wolff**
NH Dept. of
Ag, Markets & Food

Staff:

Tracie Sales
Program Manager

Jen Drociak
Watershed Coordinator

Mariah Mitchell
Program Assistant

N.H. Lakes Management and Protection Program
N.H. Lakes Management Advisory Committee

January 29, 2019

The Honorable Suzanne Smith, Chair
House Resources, Recreation, and Development
Legislative Office Building, Room 305
Concord, NH 03301

RE: HB 244 *An act repealing the moorings appeals board.*

Dear Chair Smith and Members of the Committee:

The Lakes Management Advisory Committee (LMAC) appreciates the opportunity to comment on House Bill 244, which repeals the moorings appeals board and provides for appeals to be made directly to the commissioner of the department of safety. The LMAC supports this bill.

The LMAC understands that there has not been an appeal to the moorings appeals board in 12 years and that all three members of the moorings board are now deceased. The LMAC feels that it is important for any future mooring appeals to be heard by a board comprised of members representing diverse interests, and is under the impression that HB 244 provides for this by assigning mooring appeals to the Department of Safety's adjudicative appeals board.

The LMAC is a legislatively created body charged to work with the New Hampshire Department of Environmental Services (NHDES) to administer RSA 483-A, the Lakes Management and Protection Program. The Governor and Council appointed Committee is comprised of 19 members representing academia, business, conservation organizations, lake associations, tourism, fish and game commission, marine trades, realtors, municipal government as well as several state agencies. Among its other responsibilities, the LMAC reviews legislation relevant to the Program and the state's lakes and ponds, and advises the NHDES Commissioner on the merits of such legislation.

In conclusion, the LMAC supports HB 244 because it eliminates an inactive board while maintaining mechanism for moorings appeals to be decided by a diverse group of interested representatives.

Should you have further questions about this testimony, please feel free to contact me at (603) 867-9299 or appliedforce52@gmail.com.

Sincerely,



David Packard
Chair

The Honorable Suzanne Smith
Chair, Resources, Recreation, and Development
HB 244 January 29, 2019
Page 2

cc: Rep. James Webb
LMAC Representatives
Robert R. Scott, Commissioner, NHDES
Rene Pelletier, Assistant Director, Water Division, NHDES
Ted Diers, Administrator, Watershed Mgmt. Bur., NHDES
Tracie Sales, Rivers and Lakes Programs Manager, NHDES

Bill as
Introduced

HB 244 - AS INTRODUCED

2019 SESSION

19-0265
11/05

HOUSE BILL **244**

AN ACT repealing the moorings appeals board.

SPONSORS: Rep. Webb, Rock. 6

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill repeals the moorings appeals board and provides for appeals to be made directly to the commissioner of the department of safety.

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 Nineteen

AN ACT repealing the moorings appeals board.

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

1 1 Mooring of Boats on Public Waters; Removal of Moorings; Appeals. Amend RSA 270:66, II to
2 read as follows:

3 II. The director or his agents shall remove or cause the removal of a mooring and any boat
4 attached to it when the removal of the mooring, mooring component, or boat is authorized under
5 paragraph I. The person who [~~owns or~~] controls the mooring shall have the right to request a
6 hearing before the [~~appeals board as established in~~] *commissioner of the department of safety*
7 *pursuant to RSA 270:69.*

8 2 Mooring of Boats on Public Waters; Appeals of Moorings Decisions. Amend RSA 270:69 to
9 read as follows:

10 270:69 Appeals [~~Board Established~~]. [~~There is hereby established a moorings appeals board~~
11 ~~which~~] *The commissioner of the department of safety* shall hear and decide appeals of any
12 decisions made under this subdivision. The [~~moorings appeals board~~] *commissioner* shall conduct
13 [~~its~~] *appeals* hearings according to the provisions of RSA 541-A for adjudicative proceedings. [~~The~~
14 ~~board shall consist of 3 persons to be nominated by the governor with approval of the council for~~
15 ~~terms of 3 years each. The initial appointments to the board shall be in staggered terms as~~
16 ~~determined by the governor and council.~~]

17 3 Effective Date. This act shall take effect 60 days after its passage.