

# Committee Report

**CONSENT CALENDAR**

**March 12, 2021**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

**The Committee on Resources, Recreation and Development to which was referred HB 447,**

**AN ACT relative to scuba equipment. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

**Rep. Eamon Kelley**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	<b>Resources, Recreation and Development</b>
Bill Number:	<b>HB 447</b>
Title:	<b>relative to scuba equipment.</b>
Date:	<b>March 12, 2021</b>
Consent Calendar:	<b>CONSENT</b>
Recommendation:	<b>INEXPEDIENT TO LEGISLATE</b>

### STATEMENT OF INTENT

This bill would mandate that any business renting scuba gear also make available an underwater GPS device. To fulfill this mandate, businesses would need to have one GPS device for every set of gear they have available for rent. Although the committee believes that providing divers with a safe experience is important, we did not find that the devices currently available could accomplish the intended outcome. Divers may misunderstand the devices limitations and it may encourage them to take greater risk. Diving can be safe activity if those involved know their limitations and follow proper safety training.

Vote 20-1.

Rep. Eamon Kelley  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

**HB 447**, relative to scuba equipment. **INEXPEDIENT TO LEGISLATE.**

Rep. Eamon Kelley for Resources, Recreation, and Development. This bill would mandate that any business renting scuba gear also make available an underwater GPS device. To fulfill this mandate, businesses would need to have one GPS device for every set of gear they have available for rent. Although the committee believes that providing divers with a safe experience is important, we did not find that the devices currently available could accomplish the intended outcome. Divers may misunderstand the devices limitations and it may encourage them to take greater risk. Diving can be safe activity if those involved know their limitations and follow proper safety training. **Vote 20-1.**

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# Voting Sheets

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**HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT**

**EXECUTIVE SESSION on HB 447**

**BILL TITLE:** relative to scuba equipment.

**DATE:** March 3, 2021

**LOB ROOM:** Hybrid

**MOTIONS:** **INEXPEDIENT TO LEGISLATE**

Moved by Rep. E. Kelley

Seconded by Rep. Suzanne Smith

Vote: 20-1

**CONSENT CALENDAR: YES**

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

Respectfully submitted,

Rep Juliet Harvey-Bolia, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on

BILL TITLE: ~~3977~~ ~~Relative to permitting fees under the Shoreland Prot.~~

DATE: 03/03/21 ~~726~~ HB 447

LOB ROOM: 306

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. Kelley Seconded by Rep. Smith Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # \_\_\_\_\_ (if offered)
- Interim Study (2nd year)

Moved by Rep. \_\_\_\_\_ Seconded by Rep. \_\_\_\_\_ Vote: \_\_\_\_\_

CONSENT CALENDAR:  YES  NO

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

Respectfully submitted: Juliet Harvey-Bolia  
Rep Juliet Harvey-Bolia, Clerk

OFFICE OF THE HOUSE CLERK



Roll Call Committee Registers  
Report

2021 SESSION

Resources, Recreation and Development

Bill #: ~~446~~ <sup>447</sup> Motion: FTL AM #: \_\_\_\_\_ Exec Session Date: 03/03

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
<i>Dutzy, Sherry</i>	✓		
Renzullo, Andrew Chairman	✓		
Gunski, Michael D. Vice Chairman	✓		
Gould, Linda R.	✓		
Horgan, James F.	✓		
Harb, Robert D.		✓	
Creighton, Jim L.	✓		
Dodge, Dustin	✓		
Harvey-Bolia, Juliet Clerk	✓		
Healey, Robert V.	✓		
Mayville, Mary L.	✓		
Post, Lisa C.M.	✓		
Smith, Suzanne J.	✓		
Spang, Judith T.	✓		
Grassie, Chuck W.	✓		
Gottling, Suzanne H.	✓		
Cohen, Bruce L.	✓		
Connors, Erika F.	✓		
Vail, Suzanne M.	✓		
Kelley, Eamon P.	✓		
Moran, Melbourne R.	✓		
<b>TOTAL VOTE:</b>	20	1	



# Hearing Minutes

Tardif, Rob, Admin. For Subsurface Systems for the DES, made suggestions to the bill.  
Hearing Closed: 11:56AM.

Chair Renzullo asked for motion regarding requesting a fiscal note for HB 235  
Motion made by Rep. Kelley, seconded by Rep. Smith.  
A roll call vote was called. The vote was as follows:

	<u>Yes</u>	<u>No</u>
Rep. Renzullo,		X
Rep. Gunski,	X	
Rep. Gould	X	
Rep. Horgan	X	
Rep. Harb	X	
Rep. Creighton	X	
Rep. Dodge	X	
Rep. Harvey-Bolia	X	
Rep. Healey	X	
Rep. Mayville	X	
Rep. Post	X	
Rep. Smith	X	
Rep. Spang	X	
Rep. Grassie	X	
Rep. Gottling	X	
Rep. Cohen	X	
Rep. Connors.	X	
Rep. Vail	X	
Rep. Kelley	X	
Rep. Moran	X	

One nay and 19 yays: Motion passed.

12:08 - recess.

At 1:01PM , Rep Renzullo opened the hearing on HB 447, relative to scuba equipment.  
Rep. Harb introduced the bill and spoke in favor of the bill.

Rep. Layon, Erica

Swain, Brad

Coyle, David

Hearing Closed: 1:40 PM

At 2:00 PM , Rep Renzullo opened the hearing on HB 534, relative to municipal control of certain frozen water bodies.

Rep. Walz, Mary Beth introduced the bill and spoke in favor of the bill.

Captain Eastman, with Fish and Game Commission, spoke against.

Crystall, Sandra spoke in opposition.

Stock, Jasen A Lobbyist NH Timberland Owners Association, spoke against.

Labrie, Brian, NH Snowmobile Association, spoke against.

Johnson, II, Robert, NH Farm Bureau Federation, spoke against.

??Mullin, Joseph, Congressional Sportsmen's Foundation, spoke against.

Captain Tim Dunleavy, of NH Marine Patrol, spoke against.

Timmins, Michael spoke against.

Laflamme, David stated that he has witnessed racing on frozen water bodies.

# Testimony

## Karen Karwocki

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**From:** Erica Layon <ericaforderry@gmail.com>  
**Sent:** Wednesday, February 10, 2021 1:40 PM  
**To:** ~House Resources Recreation and Development  
**Subject:** Testimony against HB447 (ITL)

Dear Chairman Renzullo and committee members,

Enclosed is my testimony in opposition to HB447. I will include my initial testimony when I understood this bill regarding underwater navigation. I humbly suggest that if this legislation moves forward, the language clarify that this is a locating GPS rather than a navigation system.

The principle about underwater transmission remains unchanged, although I note that the gentleman from the local dive shop was correct that there are systems where a conscious diver can link to a self-placed transmitter, but this is a high burden for casual divers. This remains another opportunity for new gear to create dangerous confusion.

For the record I am Representative Erica Layon, representing Rockingham 6, Derry but speaking for myself.

As background, my husband has been a SCUBA instructor for over 30 years, teaching well over 1,000 students from Open Water Divers to Dive Masters. He taught at the largest military outfitter and has experience with technical dives. I am also a SCUBA diver, but one without a single dive after getting my Open Water Certification.

SCUBA diving is a complex task, one that builds upon simple principles where you need to practice not until you get it right, but until you can't get it wrong. The consequences of a simple mistake can be, and have been, deadly.

If your equipment fails in the middle of a dive, you can't just hit pause and find a solution. You need to have the skills to safely end the dive and save your life. This is already a complex task when you look at dive computers, and the failure of many recreational divers to keep records of their dives and to rely upon a device should give us caution. This reliance on technology will likely prove deadly when the equivalent of underwater GPS equipment becomes available.

Navigation for new divers, and divers who haven't been in the water recently, is based on visual cues. The Navy SEALs use the same technology taught in PADI classes – a compass and a whiteboard map. This technology is both adequate for missions the public will never know about, and for recreational divers with sufficient skills to venture out and navigate in charted waters.

Underwater electronic navigation is in its infancy. Early adopters must be current, skilled, and competent in manual navigation. I don't know about you, but in the early days of car GPS navigation I was directed to drive on train tracks, to follow logging roads, and to turn the wrong way on one way streets. Do you expect underwater electronic navigation to have fewer bugs?

This is clearly well-meaning legislation, trying to improve safety for recreational divers. I applaud the sponsor's intent to improve safety, but I would do a disservice to the people of New Hampshire and visitors to our great state if I did not point out the risks.

Adding gear adds risk. Adding new safety gear brings more risks, particularly if uncurrent or lesser skilled divers rely upon this gear and then take on greater risks.

This bill references technology that does not exist. If the gear did exist, it would increase the risk to casual divers. I urge you to vote ITL.

Thank you for your time.

Erica Layon  
State Representative, Rockingham 6 (Derry)  
EricaForDerry.com

**Archived:** Friday, February 5, 2021 12:03:51 PM  
**From:** bobharb@aol.com  
**Sent:** Friday, February 5, 2021 10:49:57 AM  
**To:** ~House Resources Recreation and Development  
**Subject:** HB 447-Relative To Scuba Equipment  
**Importance:** Normal  
**Attachments:**  
HB 447 - 2021-0022h.pdf ;

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Dear Members of Resources Recreation and Development Committee:

As Prime Sponsor of HB 447 this is my written testimony regarding HB 447 which I will present to the Committee on 2-10-21.

One of my constituents contacted me to seek my help.

Her husband was lost and never found scuba diving in the Caribbean.

He had rented scuba gear but did not have an underwater GPS with him. He did not rent one either.

As of the time when she contacted me, his body was never found.

She informed me that if he had an underwater GPS they may have been able to either find him when he was in distress or find his body if rescue was too late.

She asked me to present a bill that would require any one who rents scuba equipment to also offer for rent an underwater GPS.

The person renting is not forced to rent the GPS, just that it be offered to them for rent.

I spoke to a local owner of a Dive shop in Atkinson, NH. He advised me that he is in support of anything that increases the safety of divers.

I have previously submitted an amendment to HB 447 to correct when the penalties will begin. Another copy of that Amendment (0022h) is attached.

Thank you for your consideration of this Bill as proposed to be amended.

I ask you to please vote Ought to Pass As Amended.

Sincerely,

Representative Robert D. Harb  
District 14 Rockingham County  
Atkinson-Plaistow

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# Bill as Introduced

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HB 447 - AS INTRODUCED

2021 SESSION

21-0664  
08/05

HOUSE BILL        **447**

AN ACT            relative to scuba equipment.

SPONSORS:        Rep. Harb, Rock. 14

COMMITTEE:       Resources, Recreation and Development

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ANALYSIS

This bill requires a lessor of scuba equipment to also lease underwater GPS equipment.

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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 Twenty One*

AN ACT                   relative to scuba equipment.

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

1           1 New Section; Scuba Equipment. Amend RSA 270 by inserting after section 32-a the following  
2 new section:

3           270:32-b Scuba Equipment. Any lessor of scuba equipment, shall also lease underwater GPS  
4 equipment for navigation.

5           2 Scuba Equipment Lessors; Penalty. Amend RSA 270:32 to read as follows:

6           270:32 Penalty. Any person violating the provisions of RSA 270:31 *or RSA270:32-b* shall be  
7 subject to the following penalties:

8           I. If the offense occurs prior to November 1, 1973, he shall be fined not more than \$25 for  
9 each offense.

10          II. If the offense occurs on or after November 1, 1973, he shall be guilty of a violation for  
11 each offense.

12          III. The director of state police may prohibit further scuba activity, in addition to the  
13 penalties prescribed in either paragraph I or II, until the provisions of RSA 270:31 *and RSA 270:32-*  
14 *b* have been complied with.

15          3 Effective Date. This act shall take effect January 1, 2022.