

**CHAPTER 95**  
**HB 1810 - FINAL VERSION**

6Mar2018... 0340h

2018 SESSION

18-3027  
08/05

**HOUSE BILL            *1810***

**AN ACT**            establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them.

**SPONSORS:**       Rep. Mullen, Straf. 1; Rep. McConkey, Carr. 3; Rep. Chandler, Carr. 1; Sen. Bradley, Dist 3

**COMMITTEE:**     Resources, Recreation and Development

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**ANALYSIS**

      This bill establishes a commission to study the effectiveness of the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them.

      This bill is a request of the temporary seasonal dock study committee established in 2017, 161.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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**STATE OF NEW HAMPSHIRE**

*In the Year of Our Lord Two Thousand Eighteen*

AN ACT                establishing a commission to study the effectiveness of the current statutes related to management of non-tidal public waterways and the construction or placement of structures within them.

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

1            95:1 New Subdivision; Structures on Non-Tidal Public Waterways Commission.  
2 Amend RSA 482-A by inserting after section 34 the following new subdivision:

3                                Structures on Non-tidal Public Waterways Commission

4            482-A:35 Structures on Non-tidal Public Waterways Commission.

5            I. There is established a commission to study the effectiveness of the current  
6 statutes related to management of non-tidal public waterways and the construction or  
7 placement of structures within them.

8            II. The members of the commission shall be as follows:

9                                (a) One member of the senate, appointed by the president of the senate.

10                                (b) Two members of the house of representatives, appointed by the speaker of  
11 the house of representatives.

12                                (c) The commissioner of the department of environmental services, or  
13 designee.

14                                (d) The director of the division of state police, marine patrol unit, or designee.

15                                (e) A representative of the New Hampshire Lakes Association, appointed by  
16 such association.

17                                (f) Two members of the public who are waterfront property owners, one from  
18 a lake or pond greater than 1,000 acres in size, and one from a lake or pond less than  
19 1,000 acres in size, appointed by the governor.

20                                (g) A representative of the New Hampshire Association of Realtors, appointed  
21 by the New Hampshire Association of Realtors.

22                                (h) A representative of a waterfront community, appointed by the New  
23 Hampshire Municipal Association.

24                                (i) A representative of the New Hampshire Rivers Council, appointed by the  
25 New Hampshire Rivers Council.

26                                (j) A representative of the business community, appointed by Business and  
27 Industry Association.

28                                (k) A member from the New Hampshire Marine Trades Association, appointed

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1 by the New Hampshire Marine Trades Association.

2 (l) A representative of the tourism industry, appointed by the division of  
3 travel and tourism development.

4 (m) A representative from the sport angling community, appointed by the  
5 New Hampshire fish and game commissioners.

6 (n) A member of the public water access advisory board, established in RSA  
7 233-A:2, appointed by such board.

8 (o) A representative of the recreational boating community that is not a  
9 waterfront property owner, appointed by the Commander of Flotilla 2-8, station  
10 Portsmouth Harbor, United States Coast Guard Auxiliary.

11 (p) A representative of the natural resource science community, appointed by  
12 the New Hampshire Association of Natural Resource Scientists.

13 III. Legislative members of the commission shall receive mileage at the  
14 legislative rate when attending to the duties of the commission.

15 IV. The commission shall:

16 (a) Assess impacts around the state's non-tidal public waters.

17 (b) Explore and review the current interest groups that utilize the state's non-  
18 tidal public waters, the ways in which they use those waters, and the extent to which  
19 those uses complement or compete with one another.

20 (c) Review all current statutes and standards for the construction or  
21 placement of both permanent and temporary structures within non-tidal waters and all  
22 other applicable laws.

23 (d) Review current structures and preexisting structure standards and make  
24 recommendations to revise and/or clarify these standards.

25 (e) Explore funding options for the management and enforcement of statutes  
26 and rules pertaining to the use of non-tidal public water spaces and the construction or  
27 placement of structures within them.

28 (f) Assess current definitions and size, type, and location standards  
29 pertaining to structures within public waters as outlined in all current statutes, and  
30 make recommendations to revise and/or clarify these standards.

31 (g) Recommend options, suggestions, or alternatives to the management and  
32 enforcement of laws on the use of non-tidal public water spaces and the construction or  
33 placement of structures within them and determine whether it should be merged or  
34 detached from other existing laws.

35 (h) Review current structural shape, size, and setback requirements relative  
36 to the construction or placement of structures within non-tidal public waters and make  
37 recommendations to revise and/or clarify these requirements.

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1           (i) Review all current laws and rules to insure that individual property rights  
2 are maintained, that the environment is not harmed, and that safety, recreation, and  
3 economic interests of the public are maintained.

4           (j) Review current permitting and enforcement provisions relevant to the  
5 construction or placement of structures and make recommendations to revise and/or  
6 clarify these provisions.

7           V. The members of the commission shall elect a chairperson and secretary from  
8 among the members. The first meeting of the commission shall be called by the by the  
9 first-named member of the house. The first meeting of the commission shall be held  
10 within 45 days of the effective date of this section. Subsequent meetings shall be at the  
11 call of the chair, or at the request of 3 or more commission members. The commission  
12 shall make an interim report of its findings and any recommendations for proposed  
13 legislation to the senate president, the speaker of the house of representatives, the  
14 governor, the commissioner of the department of environmental services, the senate  
15 clerk, the house clerk, and the state library on or before November 1, 2018. The  
16 commission shall make a final report of its findings and any recommendations for  
17 proposed legislation to the senate president, the speaker of the house of representatives,  
18 the governor, the commissioner of the department of environmental services, the senate  
19 clerk, the house clerk, and the state library on or before November 30, 2019.

20       95:2 Repeal. RSA 482-A:35, relative to the structures on non-tidal public waterways  
21 commission, is repealed.

22       95:3 Effective Date.

23           I. Section 2 of this act shall take effect November 30, 2019.

          II. The remainder of this act shall take effect upon its passage.

Approved: May 25, 2018

Effective Date:

I. Section 2 shall take effect November 30, 2019

II. Remainder shall take effect May 25, 2018