

HB 397 - AS AMENDED BY THE SENATE

7Apr2021... 0609h
04/29/2021 1164s

2021 SESSION

21-0513
08/06

HOUSE BILL **397**

AN ACT relative to permitting fees under the shoreland protection act.

SPONSORS: Rep. Pearl, Merr. 26; Rep. Lang, Belk. 4; Rep. Baldasaro, Rock. 5; Sen. French,
Dist 7; Sen. Gannon, Dist 23

COMMITTEE: Resources, Recreation and Development

AMENDED ANALYSIS

This bill sets a limit on permitting fees for municipal, county, state, and federal projects under the shoreland protection act.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to permitting fees under the shoreland protection act.

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

1 1 New Paragraph; Shoreland Protection Act; Permitting Fees: Municipality, County, State,
2 Federal Projects. Amend RSA 483-B:5-b by inserting after paragraph IX the following new
3 paragraph:

4 X. Applications for projects solely funded by municipal, county, state, or federal entities
5 shall incur a permitting fee no greater than \$3,750.

6 2 New Subparagraph; Excavating and Dredging Permit; Application Fee. Amend RSA 482-A:3,
7 X by inserting after subparagraph (c) the following new subparagraph:

8 (d) The maximum cash application fee for the Pease development authority, division of
9 ports and harbors shall be \$10,000 per state tidal pier and docking facility application.

10 3 Effective Date. This act shall take effect July 1, 2021.

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LBA
21-0513
4/21/21

HB 397- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2021-0609h)

AN ACT relative to permitting fees under the shoreland protection act.

FISCAL IMPACT: ☒ State ☒ County ☒ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2021	FY 2022	FY 2023	FY 2024
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Funding Source:	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Water Resources Fund / Shoreland Fees			

COUNTY:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

LOCAL:

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease

METHODOLOGY:

This bill sets a limit on permitting fees for municipal, county, state, and federal projects under the shoreland protection act.

The Department of Environmental Services indicates this bill would cap the amount of the filing fee to be paid with any Shoreland Application filed for a project funded solely by municipal, county, state or federal funds at \$3,750. There is currently no cap on the filing fee associated with these applications. The filing fee is calculated based upon the size of the proposed project put forward by the applicant. Using the current fee structure, projects that impact more than 16,750 square feet of protected shoreland would be required to pay more than the proposed cap of \$3,750. The number of shoreland applications filed in any given year by public entities, and the area of impact on which fees would be assessed associated with those applications, is dependent upon economic and political variables and, therefore, it is not possible to predict how many applications that would be affected by the bill. The proposed change to the fee structure is not

expected to alter the number of applications that will be filed. For these reasons it is not possible to determine the impact the bill may have on the revenues received by the State. For the same reason it is not possible to predict the legislation's impact on local or county expenditures.

The Department assumes the number of applications received is not a function of the fee structure and would not change as a result of this bill. Since the number of applications would remain the same, State expenditures related to the processing, reviewing, and monitoring the projects would be unchanged. The Department notes any State agency filing an application to impact more than 16,750 square feet of area would see a one-time reduction in expenditures as a result of this legislation but as with local and county, the impact is indeterminate.

AGENCIES CONTACTED:

Department of Environmental Services