



NH Lakes Management and Protection Program
NH Lakes Management Advisory Committee



Review of Legislation, Actions and the LMAC Policy and Legislation Subcommittee

Approved: July 2014

Amended: February 2018, January 2019

Proposed Amendments (in Bold Italics): March 2021

Introduction

RSA 483-A created the Lakes Management and Protection Program (LMPP) and established the Lakes Management Advisory Committee (LMAC). The LMPP compliments and reinforces existing state and federal water quality laws and supports “the uses and values that lakes provide” including, but not limited to: passive and active recreational activities such as swimming, fishing, and use of appropriate watercraft; aesthetic values such as scenic beauty, wilderness experiences, and educational opportunities; public uses such as drinking water supplies and flood control; ecosystem values such as providing ecological diversity and wildlife habitat; economic values such as revenue generated for the local, regional, and state economies; and social experiences and the opportunity to use our lakes for public enjoyment.

The LMAC, with its members appointed by the Governor and Executive Council, advises the commissioner and lakes coordinator in carrying out the purposes of the LMPP and As part of its duties, the Lakes Management Advisory Committee (LMAC) routinely tracks and provides testimony on New Hampshire legislation relating to the LMPP. The LMAC may: 1) consider pending legislation at its regular meeting and vote on positions and actions related to that legislation, or 2) utilize the P&L subcommittee to review pending legislation and make recommendations at the full LMAC’s regular meeting for a vote on actions related to that legislation, or 3) allow the LMAC Chair and Vice Chair to issue letters on behalf of the LMAC between regular meetings only if the proposed or changed legislation aligns with the Standing Legislative Positions which have been previously voted upon by the LMAC. Topics tracked include lake water quality and quantity, boating, access to public waters, instream flow, bills affecting lakes and watersheds in general, and laws affecting government boards and commissions.

The criteria and procedures outlined in this document provide guidance and enable the LMAC’s Policy and Legislation (P&L) Subcommittee to research, track and recommend testimony on LMPP relevant legislation to the New Hampshire General Court. Any subcommittee of the LMAC, which is an advisory committee established by the New Hampshire legislature with members appointed by the Governor and the Executive Council, must comply with RSA 91-A, Access to Governmental Records and Meetings, also known as the “Right-to-Know” law.

P&L Subcommittee Membership and Review of Proposed Legislation

The LMAC Chair, with assistance from the Lakes Program staff, may identify legislation on topics of concern to the LMAC. As an option to the review of legislation by the entire LMAC, the LMAC may vote to convene a Policy and Legislation Subcommittee (P&L) to assist it with

researching, tracking, and testifying on legislation. The LMAC Chair shall chair the P&L. Other members are the LMAC Vice Chair and three to five additional voting members of the LMAC who volunteer for the subcommittee. No more than six voting members may convene for a P&L meeting. The LMAC, and any subcommittee of the LMAC, must comply with RSA 91-A, "Access to Governmental Records and Meetings", also known as the "Right-to-Know" law.

In a publicly noticed meeting, the P&L will review legislation and determine, by vote of a quorum (defined as a majority) of the P&L members present, which Legislative Service Requests (LSRs) and/or bills they recommend the LMAC track, support or oppose (with specific positions, conditions, and/or proposed revisions), or remove from the LMAC legislative tracking list. This list of recommended actions on legislation will be presented to the LMAC for its review and voting.

~~To assist it with researching, tracking, and testifying on legislation, the LMAC has created a Policy and Legislation (P&L) Subcommittee, composed of four to six voting members of the LMAC. The Chair of the LMAC, with advice from the full LMAC, appoints representatives of the LMAC to the P&L Subcommittee. Membership of the P&L Subcommittee shall be reviewed annually by the LMAC Chair. The P&L Subcommittee will elect its own Chair.~~

Common LMAC Actions Positions on LSRs and Bills

- Support – LMAC supports the legislation as proposed.
- Support with amendments or comments – LMAC supports the legislation, but with changes and/or amendments.
- Oppose – LMAC opposes the legislation as proposed.
- Oppose but could support with amendments or modifications – LMAC opposes the legislation as proposed, but could support with described deletions, modifications and/or amendments.
- Track – Issue relevant to lake protection but not significant enough to take a position on.
- Research – More information is needed before the LMAC can make a decision.
- Delete – Issue is not relevant to lake protection and need not be tracked.

Process for Submission of Letters of Testimony

~~The P&L Subcommittee Chair, with assistance from the Lakes Program staff, will identify legislation of concern to the LMAC. In a publically noticed meeting, the P&L Subcommittee will review legislation and determine, by vote of a quorum (defined as a majority) of the P&L Subcommittee members, which Legislative Service Requests (LSRs) and/or bills they recommend the LMAC track, comment on (with specific positions, conditions, and proposed revisions), or remove from the LMAC legislative tracking list. This list of recommended legislation will be presented to the LMAC for its review and approval.~~

~~The P&L Subcommittee will create a list of standing positions on legislation that is proposed on a regular basis, allowing the LMAC to respond quickly with a letter of testimony to certain predefined situations. This list of standing positions will be approved by a quorum vote of the LMAC, and will be reviewed and reapproved annually. The LMAC Chair, LMAC Vice Chair, and the Chair of the P&L Subcommittee will jointly determine whether bill language fulfills the intent outlined in the list of standing positions.~~

For bills that the LMAC has voted to take a position ~~on~~ ***upon and at the choice of the LMAC Chair***, LMPP staff will draft an appropriate letter of testimony for review by the LMAC Chair and LMAC Vice Chair, ~~and the Chair of the P&L Subcommittee~~. Once the letter has been approved ~~by the LMAC Chair, LMAC Vice Chair, and Chair of the P&L Subcommittee~~, it will be signed by the LMAC Chair and submitted to the General Court ***with copies to appropriate individuals in the legislature and NHDES. The letters shall also be posted to the online NHDES "New Hampshire Lakes Management Advisory Committee Forum."*** A P&L Subcommittee member or ~~other~~ LMAC representative may elect to submit the letter in person and/or provide oral testimony.

The document "Standing Legislative Positions of the LMAC" will be approved by a quorum vote of the LMAC, and will be reviewed, edited as needed, and reapproved annually. Using this list, the LMAC Chair and Vice Chair may issue letters on behalf of the LMAC between regular meetings only if the proposed or changed legislation aligns with the Standing Legislative Positions which have been previously voted upon by the LMAC. This may occur when bill text is unavailable at the time of the LMAC meeting or when bill amendments substantially alter the intent or subject of the previously reviewed legislation.

~~In the event that a legislative position recommendation of the P&L Subcommittee cannot be approved at a scheduled LMAC meeting due to legislative letter of testimony deadline(s), upon consultation with the Lakes Coordinator, the LMAC Chair, LMAC Vice Chair, and Chair of the P&L Subcommittee may recommend proceeding with the letter of testimony. This may occur when bill text is unavailable at the time of the LMAC meeting or when bill amendments substantially alter the intent or subject of the legislation. This option will be limited to bills on which the P&L Subcommittee's members' recommendations are unanimous. In this circumstance, the process of drafting, approving, and submitting the letter of testimony will be the same as for a bill which has been voted on by the full LMAC, but Lakes Program staff will notify the full committee that this action is being taken by the subcommittee.~~

Adopted by the Lakes Management Advisory Committee on July 17, 2014 and revised on February 22, 2018 and January 16, 2019. Revisions proposed on March 24, 2021 for consideration on April 1, 2021.