Bill as Introduced

HB 1141 – AS INTRODUCED

2000 SESSION

00-2198
03/09

HOUSE BILL *1141*

AN ACT relative to access highways to public waters.

SPONSORS: Rep. Royce, Ches 9; Rep. R. Nowe, Rock 3; Sen. Johnson, Dist 3

COMMITTEE: Public Works and Highways

ANALYSIS

This bill permits a new boating access highway to be laid out subject to the condition that it shall not be maintained during the winter months. This bill also eliminates the requirement that refurbished service roads included in the statewide public boat access program be laid out as limited access facilities.

This bill is a request of the public water access advisory board.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2198
03/09

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand

AN ACT relative to access highways to public waters.

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

1 Transportation; Highway System in the State; Classification; Class III-a Highways. Amend RSA 229:5, III-a to read as follows:

III-a. Class III-a highways shall consist of new boating access highways from any existing highway to any public water in this state. All class III-a highways shall be limited access facilities as defined in RSA 230:44. Class III-a highways shall be subject to the layout, design, construction, and maintenance provisions of RSA 230:45-47 and all other provisions relative to limited access facilities, except that the executive director of the fish and game department shall have the same authority for class III-a highways that is delegated to the commissioner of the department of transportation for limited access facilities. [~~No access shall be granted to an abutter for any class III-a highway.~~] ***A class III-a highway may be laid out subject to the condition that it shall not be maintained during the winter months.*** A class III-a highway may be laid out subject to gates and bars or restricted to the accommodation of persons on foot, or certain vehicles, or both, if federal funds are not used. The executive director of fish and game may petition the governor and council to discontinue any class III-a highway.

2 Transportation; Access to Public Waters; Public Boat Access Program; Acquisition and Retention. Amend RSA 233-A:7 to read as follows:

233-A:7 Acquisition and Retention. The fish and game department, in order to establish and improve public boat access areas, shall acquire and retain lands, easements, and interests or rights in land needed for the statewide public boat access program by donation, gift, purchase, lease, or condemnation upon terms and conditions that are consistent with state and federal guidelines. All newly acquired[~~,~~] ***or*** constructed [~~or refurbished~~] service roads included in the statewide public boat access program shall be laid out as limited access facilities under the provisions of RSA 230:45-***47***.

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

Committee Minutes

Date: February 24,2000
Time: 1:35pm
Room: LOB104

The Senate Committee on Environment held a hearing on the following:

HB1141 relative to access highways to public waters.

Members of Committee present:

Senator Russman
Senator Eaton
Senator Johnson
Senator Krueger
Senator Pignatelli
Senator Wheeler

The Chair, Senator Richard Russman, opened the hearing.

Senator Richard L. Russman, D. 19: We're going to open the hearing on 1141. We'll recognize Representative Royce, the Prime Sponsor.

Representative H. Charles Royce: Thank you Mr. Chairman, Members of the Committee. For the Record, I am Representative H. Charles Royce, Cheshire #9, Representing Jaffrey.

Mr. Chairman and Members of the Committee, I submitted this bill for the Advisory Board, the Public Access Advisory Board, and we worked with Attorney Wallace from the AG's office and basically what this does is all class three A highways may be laid out to the conditions that it shall not be maintained during the winter months and basically the reason for this is a lot of these roads, and these would be roads in the future.

If you look down on line 20&21, starting at the end of line 20, we see all newly acquired or constructed service roads included in the statewide public boat access program shall be laid out as limited access facilities.

There was some question in the hearing in front of the House Resources Committee why we took out the section on line 9, no access shall be granted to an abutter for any class 3A highway and Attorney Walls felt this was a way to handle it and it states that down in the bottom section of the bill.

Senator Richard L. Russman, D. 19: Thank you. Questions? Thanks very much for your testimony. Representative Ron Nowe is in the favor of the bill but does not wish to speak. The only other speaker in favor of the bill is Darrel Covell from the New Hampshire Wildlife Federation.

Darrel Covell: [Written Testimony Attachment A].

Senator Richard L. Russman, D. 19: Thank you. Questions? Thank you very much for your testimony. No one is signed up in opposition to the bill. Is there anybody else that needs to speak on 1141?

Jack Boyer: I'm Jack Boyer from Fish and Game and I would just like to state that Fish and game is in support of the bill.

Senator Richard L. Russman, D. 19: Questions?

Senator Debora B. Pignatelli, D. 13: It's a real new subject matter to me. Does this mean that there will be additional boating access roads built because it will be less expensive to build them because you won't have to maintain them in the winter? Do you have roads planned that you are going to build?

Jack Boyer: The answer to that is what it does is the 3A becomes strictly a newly acquired road on property where there is no access. If we go in and put in a new road, construct a brand new road, it would be limited access. It took out what was refurbished which as far as the Attorney General was concerned, any of the old roads to public waters fell under the bill as it was written and that if we went in and did any work on those, they had to become limited access which would have created a nightmare because of the money that would have to go back.

So, it's for new ones form this point on that we would be building.

Senator Richard L. Russman, D. 19: Further question? Any body else? Thank you very much for your testimony. Is there anybody else that wanted to speak on 1141? If not I'll close the hearing on 1141.

HEARING CLOSED

Respectfully Submitted,

Anna-Maria Tsorvas
Committee Secretary

1141 Attachment A

New Hampshire Wildlife Federation

Affiliate of the National Wildlife Federation

54 Portsmouth Street, Concord, NH 03301

Phone: (603) 224-5953 *E-mail: nhwf@aol.com*

Fax: (603) 228-0423 *Web: www.nhwf.org*

February 23, 2000

Mr. Chairman, Members of the Senate Environment Committee:

My name is Darrel Covell. I am Executive Director for the New Hampshire Wildlife Federation, a non-profit conservation organization representing approximately 7,000 members with 50 affiliated clubs and outdoor organizations. Our members represent a wide variety of people interested in the outdoors.

The New Hampshire Wildlife Federation **SUPPORTS HB 1141**, relative to access highways to public waters.

We believe that this is a practical bill that will enable the Fish and Game Department to create new public boat access roads at a lower cost, because they will not have to maintain those roads during winter.

Thank you for this opportunity to address this issue before the Committee, and we hope that you will recommend that **HB 1141 ought to pass**.

Sincerely,

Darrel Covell

Darrel Covell
Executive Director

Speakers

SENATE ENVIRONMENT. COMMITTEE

Date 2/24/200 Time 1:35pm Public Hearing On HB1141

Appearing in FAVOR: (Please print) **Please check box at left to speak.**

Speaking?	Name	Address	Representing
☐	Rep Rowe	Epping	Rockingham 3
☒	Darrel Covell	54 Portsmouth St Concord 03301	NH Wildlife Fed.
☒	Rep. H. Charles Royce	Jaffrey (Prime Sponsor)	Cheshire #9
☐			
☐			
☐			
☐			
☐			
☐			
☐			

Appearing in OPPOSITION: (Please Print) **Please check box at left to speak.**

☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			
☐			

Testimony

New Hampshire Wildlife Federation

Affiliate of the National Wildlife Federation

54 Portsmouth Street, Concord, NH 03301

Phone: (603) 224-5953 *E-mail: nhwf@aol.com*

Fax: (603) 228-0423 *Web: www.nhwf.org*

February 23, 2000

Mr. Chairman, Members of the Senate Environment Committee:

My name is Darrel Covell. I am Executive Director for the New Hampshire Wildlife Federation, a non-profit conservation organization representing approximately 7,000 members with 50 affiliated clubs and outdoor organizations. Our members represent a wide variety of people interested in the outdoors.

The New Hampshire Wildlife Federation **SUPPORTS HB 1141**, relative to access highways to public waters.

We believe that this is a practical bill that will enable the Fish and Game Department to create new public boat access roads at a lower cost, because they will not have to maintain those roads during winter.

Thank you for this opportunity to address this issue before the Committee, and we hope that you will recommend that **HB 1141 ought to pass**.

Sincerely,

Darrel Covell

Darrel Covell
Executive Director

Committee Report

Date: February 24,2000 Time: LOB104

The Senate Committee on Environment held its hearing in Room LOB104, Concord, New Hampshire.

BILL NO.: HB1141 TITLE: relative to access highways to public waters.

Members of the Committee present:

Senator Russman
Senator Eaton
Senator Johnson
Senator Krueger
Senator Pignatelli
Senator Wheeler

Those appearing in favor:

Name and Address	Representing
See Attached.	

Those appearing in opposition:

Name and Address	Representing
See Attached.	

REPORT OF THE COMMITTEE:

- ☒ Ought to Pass
- ☐ Ought to Pass w/ Amendment
- ☐ Inexpedient to Legislate
- ☐ Rereferred
- ☐ Interim Study
- ☐ Continued Hearing
- ☐ Postponed Hearing

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Date: February 24,2000

THE COMMITTEE ON Environment

to which was referred House Bill 1141

AN ACT relative to access highways to public waters.

VOTE: 6-0

Having considered the same, report the same without amendment and recommend that the bill: **OUGHT TO PASS.**

Senator Carl R. Johnson
For the Committee