

# Bill as Introduced

HB 498-FN - AS INTRODUCED

2011 SESSION

11-0733

06/03

HOUSE BILL        **498-FN**

AN ACT            relative to weed control along certain state routes.

SPONSORS:        Rep. Sheffert, Rock 15

COMMITTEE:       Finance

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ANALYSIS

This bill requires that a portion of the capital appropriation for the Hampton seashell complex shall be expended on the maintenance of the median strip and roadsides near the complex.

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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eleven*

AN ACT relative to weed control along certain state routes.

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

1 1 Capital Appropriation; Hampton Seashell Complex. Amend 2009, 145:1, X to read as follows:

2 X. Department of Resources and Economic Development.

3	A. Statewide Roofs and Park Repairs	\$1,200,000
4	B. Mount Washington Tip Top House Repairs	67,000
5	C. Mittersill Expansion	3,065,000
6	Less Other*	<u>-1,532,500</u>
7	Net state appropriation subparagraph C	1,532,500
8	D. Hampton Seashell and 2 Bathhouses**	14,500,000
9	E. Hampton Beach Sea Wall Project	<u>1,000,000</u>
10	Total state appropriation paragraph X	\$18,299,500

11 \*To provide funds for the appropriation made in subparagraph C, the state treasurer is hereby  
12 authorized to borrow upon the credit of the state not exceeding the sum of \$1,532,500 and for said  
13 purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in  
14 accordance with RSA 6-A. Payments of principal and interest on the bonds and notes shall be made  
15 from the Cannon Mountain capital improvement fund established in RSA 12-A:29-c.

16 ***\*\*The department of resources and economic development shall reimburse the***  
17 ***department of transportation for the costs of mowing the median strips and roadsides***  
18 ***along N.H. Route 27, N.H. Route 101, and N.H. Route 1A in Hampton from the***  
19 ***appropriation made in subparagraph D.***

20 2 Hampton Seashell; Highway Maintenance. The department of transportation shall establish a  
21 regular schedule for mowing the roadsides and median strips of N.H. Route 27, N.H. Route 101, and  
22 N.H. Route 1A in Hampton for the purpose of beautifying the area around the Hampton seashell.

23 3 Effective Date. This act shall take effect June 30, 2011.

LBAO  
11-0733  
01/19/11

**HB 498-FN - FISCAL NOTE**

AN ACT                   relative to weed control along certain state routes.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill at this time. When completed, the fiscal note will be forwarded to the House Clerk's Office.

# Amendments

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Rep. Sheffert, Rock. 15  
January 31, 2011  
2011-0115h  
06/04

Amendment to HB 498-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Hampton Seashell; Highway Maintenance.

4 I. The department of transportation shall establish a regular schedule for mowing the  
5 roadsides and median strips of N.H. Route 27, N.H. Route 101, and N.H. Route 1A in Hampton for  
6 the purpose of beautifying the area around the Hampton seashell.

7 II. The sum of \$10,000 shall be appropriated to the department of transportation each fiscal  
8 year for the purposes of paragraph I. Said sum shall be a charge against the highway fund.

9 2 Effective Date. This act shall take effect June 30, 2011.

**Amendment to HB 498-FN**  
**- Page 2 -**

2011-0115h

**AMENDED ANALYSIS**

This bill requires the department of transportation to mow certain roadsides and median strips and requires the cost of such mowing to be a charge against the highway fund.

# Committee Minutes



**HOUSE FINANCE COMMITTEE**

Legislative Office Building, Rooms 210-211

Concord, NH

Monday, February 14, 2011

**HOUSE BILL 498-FN, AN ACT** relative to weed control along certain state routes.

TESTIMONY OF:

Rep. Frederick Rice. . . . .	Pg. 2
Rep. Kenneth Sheffert. . . . .	Pg. 3
Richard Morris . . . . .	Pg. 9

(Convened at 10:26 a.m.)

VICE-CHAIRWOMAN OBER: Ladies and Gentlemen, can we resume our hearings. Our next bill is House Bill 498 relative to weed control along certain state routes. I have no pink cards. Is anybody here to testify on this bill? In favor of this bill? Against this bill?

REP. UMBERGER: We did have a letter that was submitted.

VICE-CHAIRWOMAN OBER: That was HB 30.

REP. UMBERGER: No, HB 498.

VICE-CHAIRWOMAN OBER: 498. Okay. I've got it. Then I will read into the record: To the Honorable Kenneth Weyler, Chairman, and the Finance Committee, relative to HB 498, an Act relative to weed control along certain state routes.

Dear Chairman Weyler and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill 498 that would require a portion of the capital apportionment for the Hampton Seashell Complex be expended

on the maintenance of the median strip and roadsides near the Complex. The Department of Resources and Economic Development, DRED, Division of Parks and Recreation, respectfully opposes this bill for the following reasons:

The maintenance needed for roadsides around and near the Hampton Seashell Complex is already achieved by agencies who hold jurisdiction. The Division owns and maintains the roadside along N.H. Route 1-A that abuts Hampton Beach State Park, calls for maintenance recovered through its operating budget under the State Park Fund. The Port Authority owns and maintains the roadside along New Hampshire Route 1-A opposite the State Park side. DOT owns and maintains the median and roadsides along New Hampshire Route 101. The Hampton Seashell and two bathhouses project funded through the Capital Budget has been fully encumbered toward the construction project itself. There are no additional funds under this line item to apply towards maintenance of roadsides. Funding operational and maintenance costs through the Capital Budget which is bonded and paid out with interest through long-term financing is not cost-effective.

The Division respectfully requests that this Committee find HB 498 inexpedient to legislate. Thank you for considering the testimony, Gail Wolek, Interim Director.

We have Representative Rice with us once more. Welcome back, Representative Rice. Would you like to testify on 498?

FREDERICK C. RICE, State Representative, Rockingham County, District #15: Thank you, Madam Chair, Members of the Committee. I would also oppose this bill and recommend that you deem it inexpedient to legislate. From what I gather from the letter that you just read, the only grassy areas anywhere near the Seashell are about a quarter of a mile away. There's one little garden up around the Ashworth Hotel. There's another one down by the -- as you come over the bridge into the south end; and the third one,

Route 27, is about two miles north up near High Street. Those areas have been up to now tended by a volunteer group called the Hampton Beach Beautification Committee. They have done it on a faithful basis. They have done a great job. They are hard workers, and they have really improved the looks of it. And I believe that that is where that should stay as a local function, part of the Hampton Beach Chamber of Commerce or the Hampton Beach Village District which is in charge of promoting their own tourism and not be something that should be saddled on the State. I'd be happy to take any questions.

VICE-CHAIRWOMAN OBER: Any questions for Representative Rice on House Bill 498? Representative Rodeschin, you had a question?

REP. RODESCHIN: No, unless you want a motion.

VICE-CHAIRWOMAN OBER: Any question? I may do that. Anyone else? Thank you, Representative Rice. It's been a pleasure having you with us this morning.

REP. RICE: Thank you, Madam Chair.

VICE-CHAIRWOMAN OBER: Anybody else wish to speak on House Bill 498? Sir, are you standing up to speak on House Bill 498?

KENNETH SHEFFERT, State Representative, Rockingham County, District #15: Yes, ma'am.

REP. QUANDT: That's Representative Sheffert.

REP. SHEFFERT: Sorry I'm late.

VICE-CHAIRWOMAN OBER: Please fill out a pink card and fill it in before you sit down.

REP. SHEFFERT: Sure.

VICE-CHAIRWOMAN OBER: Thank you. The Chair will recognize the prime sponsor.

REP. SHEFFERT: Thank you, Madam Vice-Chair. I come before you to ask about the clock design. Basically, my --

VICE-CHAIRWOMAN OBER: Excuse me. That bill is not in front of us. We are discussing 498. We are discussing 498. The previous bill was recessed and is not before this Committee. We took testimony on the previous bill. We recessed it because you were late. We are now discussing House Bill 498.

REP. SHEFFERT: Okay. On 498, it is for the weed control. And I -- my -- my focus is on the Seacoast on Route 1-A, because that area has not been kept up. We have a lot of weeds in that area. So this is a family beach along co-injunction with the amount of money we are spending on the beach area for the Visitor's Center and things. And I am focusing on Route 1-A from the Seabrook line all the way up to Rye.

I have another bill that is dealing with the crosswalks, because they haven't been up-to-date. There has been a few people hit on that road, pedestrians, and that I have part of a bill that has a stop sign that's going to go in Rye. And so I'm just beautifying the area and that's what I would like to do with this bill. So the -- the weeds are a little bit high. They have been neglected the last couple years because of the budgets. And so I'd like to focus on the beach area. I know we are focused on Route 93, the expansion of it; but I'm just saying focus a little bit -- shift the focus a little bit back to the premier beach area. And so I'd like to ask have any questions?

VICE-CHAIRWOMAN OBER: Thank you for your testimony. Representative Keane, followed by Representative Kurk.

REP. KEANE: Am I correct in reading this that you want

to bond weed control? And if so, do you have any idea what the cost of that would be?

REP. SHEFFERT: Thank you. No, I didn't. That was not the intent of the bill is to bond it, because that's totally different. And I was just trying to get it into the operating budget. So with the amount of budget -- the amount of bills that came through, it kind of got a little lost in the shuffle in the direction of where the money's going to be coming from.

REP. KEANE: Thank you.

VICE-CHAIRWOMAN OBER: Could I ask a follow on to that question? Could you tell us what line item in your bill says it will go on the operating budget as opposed to Capital Budget?

REP. SHEFFERT: I don't have that right now. We -- it's being researched right now.

VICE-CHAIRWOMAN OBER: Representative Kurk.

REP. KURK: Thank you, Madam Chairman. You know that we are facing a deficit of perhaps \$900 million. And in order to meet that deficit, we are going to have to reduce services to people with developmental disabilities, people in nursing homes, people who are receiving State services and are in desperate need. Are you telling us that considering that, you'd prefer to spend some of the money that we might have on mowing grass rather than helping these people?

REP. SHEFFERT: I understand the budget. I'm not asking for a lot of money. I'm just asking for, like, one -- one mowing per month, something tiny, because this is the premier beach area. It's a family-oriented area. So I'm just trying to bring the focus, even though we have been spending a lot of money on 93, the expansion, I'm just asking for money, you know, just a little -- just a little

attention to the beach area to make it beautiful.

VICE-CHAIRWOMAN OBER: Representative Worsman, followed by Representative Barry.

REP. WORSMAN: Thank you, Madam Chairman, and thank you for coming. The previous speaker had alluded to the fact that this was now being done by volunteers. Can you speak to that issue and if the town is at all involved in this?

REP. SHEFFERT: No. That's news to me. If that is, that would be great. My -- in Rye, Route 1-A North, they have one side is where the houses are and on the east side is where the ocean is. And so my concern is 'cause I have a horticulture background from UNH, and they have a earth and rock berm separating the ocean and 1-A. So my concern is if there's a lot of trees, if there's a maple tree that's growing in that earth and berm, if it tips over it's going to rip out a lot of soil. And so with the ocean, if there's a -- if there's a big surge of a wave it could possibly breach it but I'm not an engineer. But from being a plant person I know that a tree would take up a lot of earth. And so if we trim back some trees versus if we got to repair the road, if the ocean breaches the breach for the earth and berm that we have there.

After -- two years ago we had a major storm there and we had to repair the berm up in Rye and that did a lot of flooding, Rye and North Hampton. So that's my focus if we can once a month type thing, you know, make sure that the vegetation doesn't really destroy what we have there on the earth and berm versus a lot of damage on Route 1-A. So that's my justification to bring this bill forward.

VICE-CHAIRWOMAN OBER: Representative Barry, do you still have a question?

REP. BARRY: Asked and answered.

VICE-CHAIRWOMAN OBER: Thank you. Representative

Elliott.

REP. ELLIOTT: Thank you, Madam. Representative, thank you for appearing. This letter is dated February 14th so you may not be aware of this, but I'll ask it in the form of a question. Are you aware that DRED or the Department of Resources and Economic Development, as well as the Division of Parks and Recreation, is opposed to your bill?

REP. SHEFFERT: Oh, yes.

REP. ELLIOTT: Oh, you are.

REP. SHEFFERT: Yep.

REP. ELLIOTT: Okay. Thank you, Madam.

VICE-CHAIRWOMAN OBER: Any other questions? Thank you for your testimony.

REP. SHEFFERT: Thank you.

VICE-CHAIRWOMAN OBER: Oh, sorry, Tim. My apologies. Representative Twombly, you get two questions right off the bat just 'cause I didn't see you.

REP. TWOMBLY: One question is that I didn't realize when I read the word weeds, I'm thinking of ragweed, lamb's-quarter, that kind of thing, and you just mentioned trees. And I would think trees are a substantial -- I don't know, in my mind trees are different from weeds.

REP. SHEFFERT: Well, thank you. They're saplings right now. But if they -- you know, when you maintain the area with the earth and berm, they become -- they're just weeds right now. Once they gone to saplings and they just -- if you -- my Professor at UNH says if you have a plant and you don't want it there, it's a weed.

REP. TWOMBLY: I see.

REP. SHEFFERT: So basically, I just like to keep the integrity of the earth and berm that's on 1-A up into Rye versus repairing 1-A after a storm and the wind knocks over the tree. That's all.

VICE-CHAIRWOMAN OBER: Go ahead, Tim. You're entitled to two this time around.

REP. TWOMBLY: So my follow-up is we have some State departments that are already responsible for maintaining that, like, Department of Transportation, and perhaps DRED, also. They don't cut the trees. Is that what I'm hearing?

REP. SHEFFERT: Well, right now the -- I notice there's one clump birch that's growing in this particular area in Rye. But with the last couple years if you go down 1-A by the highway markers, the little reflective posts, you can see the weeds are up to here. And they mow everywhere else but it's just there. But when you go up to the earth and berm, the earthworks, there's all the shrubs and -- but they just repaired it. It looked really nice when it was repaired but now it's getting overgrown. And as a landscaper from UNH, it's -- you get -- you got to watch for the, you know, what the weeds are doing and the trees are doing. So, you know, it depends -- you know, I'm not an engineer, but I just -- it looked nicer. It's supposed to be a family-orientated beach. So if you're cruising up through Rye, you see weeds everywhere and so which we having a family atmosphere or we go up a little bit and see weeds?

REP. TWOMBLY: Thank you very much.

REP. SHEFFERT: That's my question.

VICE-CHAIRWOMAN OBER: Additional question?  
Representative McGuire.

REP. MCGUIRE: Thank you, Madam Chair. Just one quick



question. It's your intention -- is it your intention that this increase the amount of maintenance done on the area because my reading of the bill is that it would simply move money from DRED's budget to DOT's budget, but it wouldn't affect the amount of maintenance being done.

REP. SHEFFERT: Hum -- that's a good question. My focus -- yeah, that's a little bit beyond my -- maybe my next witness could help me out on that. But yeah, they do, you know, nice -- they do a wonderful job mowing, but it is just a detail. You know, you try to sell a house and the, you know, the paint's peeling. You know, does that give you a better idea of the house that's inside or that's what I'm getting at. It's just a family focused area.

REP. MCGUIRE: Thank you.

VICE-CHAIRWOMAN OBER: You're welcome. Additional questions? Seeing none, thank you for your testimony.

REP. SHEFFERT: Thank you.

VICE-CHAIRWOMAN OBER: Mr. Morris, we are hearing House Bill 498. Your pink card says you wish to speak for 478. Was that a mistake?

RICHARD W. MORRIS, Seabrook Beach: That's a mistake, Madam.

VICE-CHAIRWOMAN OBER: Please come to the table.

MR. MORRIS: Good morning, Honorable Committee, Madam Chairman. My name is former Representative Richard W. Morris, Richard W. Morris. I'm sorry. And testimony forthwith on this the reason I'm involving myself as a witness is petition level at the beach, which happens to be under discussion here about 12 -- 12.1-mile inclusive of Newcastle, another 1.8 miles of coastline, which is representative of the State of New Hampshire's beach. And in particular relative to the only moderate committee

response to some of the issues here of weeds versus trees, et cetera. One will take note relative to the corridor from Massachusetts into Maine that we're the only state ensuant to coming off of Interstate 95 where say at the course of mid-July to September we have 3 to 5-foot goldenrod, which only entail themselves through the coast road, included of the sea berm mentioned earlier by the Representative. Wherein there are a minimum of dozens of such small spurt growths of what will be trees, some of them upwards of 3 to 5 years old at this point. Pretty much in an irrigated type growth pattern with the sea berm because of the nature of their placement in the sea berm. As the Representative mentioned, one has tipped through the sea berm in recent years. But the specific is this. This coastline is representative of "Welcome to New Hampshire" and the premier beach which is the key generating resource financially of the area. And specific to some of the testimony just heard by the Representative, this area infrastructure literally has fallen down infrastructure-wise, I estimate over the course of the last 20 years. DOT is, in fact, mandated for a lot of this maintenance. In fact, volunteers try to shore up DOT's assistant to that but it's not getting the job done. Hence, the goldenrod run from the 95 toll booths into the seacoast and from there it only gets worse.

The crosswalks issue relative to the prior bill simply as the Representative mentioned conjoined simply because it's also part of the infrastructure deficiency. Specific. The finances here relative to moderate response, as I said by this Committee, is only ensuant, perhaps, of this State's unawareness that this is the image of the State of New Hampshire at play here. And relative to the development with the clock tower, and the upgrade on the beach itself, not that this hasn't been non-adherence by DOT, we are actually working with DOT cohesively inclusive of a component of the crosswalk bill and their willingness, for example, with the one remaining intersection marked with no stop sign of which there was a near fatality less than three years ago.

The line from Seabrook border to around Rye, North Hampton to Rye Beach itself has such inconsistencies along that route inclusive of the crosswalks, including of overgrowth from the sides of Route 1-A; and hence, the discussion forward in terms of the financial justification of this Committee to condone such action. It's insistent upon this Committee that they recognize the indifference being paid by unnamed or unmarked particular State agencies 'cause nobody's not doing their job. This is a matter of an infrastructure that has simply gone too far without being attended to relative to as far back as the Blizzard of '78 where the original sea berm now in Rye exists. These saplings which are trees in view on the entire sea berm, often viewed as weeds, goldenrod all amongst them, several species involved, in terms of seed growth. Representative is quite well-versed in the very varieties of such growth along the entire perimeter now south of the sea wall -- sea berm in Rye right down to Hampton Beach itself.

Seabrook in itself and it's DOT who have been ardent and specific towards maintaining this corridor. Hampton, however, once you arrive at Hampton Beach, Welcome to New Hampshire, the premier view and vision of the tourist attraction that it is has now ensuant to the former State bathhouses to becoming more apparent to being a DOT stopping off point with the Division of Parks and one to two other agencies, including the lifeguard divisions which are entitled to be there. However, now in view coming over the bridge out of 1-A is not the original State Park Complex and ensuant to the design now forthwith to the clock tower you have instead two quite contrary to the design intended for the coastline premier first vision.

VICE-CHAIRWOMAN OBER: Excuse me.

MR. MORRIS: Go ahead, Madam Chairman.

VICE-CHAIRWOMAN OBER: That bill is not before us. We are dealing with --

MR. MORRIS: I apologize. I retract that course of discussion. Hence, the upgrade to the infrastructure is to include such deficiencies that would only apply themselves to the substructure of this which happens to be this full conducive bill towards maintaining cohesive effort to present to the tourists and to others living around the parameter of the Route 1-A course itself by way of their home property value, their beach access, and the entire safety of the entire corridor relative to weeds, trees, vision, and the integrity of the New Hampshire message, "Welcome to the New Hampshire Hampton Beach". This is where we send our funding in order to support everything we do off of the core that that beach produces for this state, whether it's parks and all recreational type services provided for the beach goers. When you view the beach as it is today versus Massachusetts or Maine, there is a deficiency, Madam Chairman. And that's what the bill is intended to engage the finances of this state through this Committee to work cohesively forthwith to make the Hampton Beach the way it is designed around the new complex, and to simply bring up speed to what has been not attended in my estimation. There's also an understudy involving earth science and this type of issue. I grew up on the beaches. I've seen this since the Blizzard of '78 in the original shore-up of the barrier beach from Seabrook to Rye. Not much else has been done beyond that other than as was quoted here at the Committee of maintenance, non-adherence to maintenance or other assistance relative to another state agency and our volunteers.

This Committee needs to become cohesively involved in the discussion with the production of the infrastructure being upgraded at what my estimation is in terms of not only witnessing it but having lived in it and have grown-up around it over the course of the last 20 years, needs to be attended to, Madam Chairman, because it's not up to snuff with other states bordering us and the beach itself deserves this minimal upkeep and maintenance that I believe, as well as already incorporated in the State

Budget with DOT. Perhaps the instruction forthwith on this type of language will incite the DOT as they have already indicated they're willingness to work with the legislation to engage as such and I can conclude with that. And I'd be happy to take a question.

VICE-CHAIRWOMAN OBER: I'd like to remind the Committee that despite the testimony 498 is relative to weed control along certain State routes. It does not talk about the beaches, does not talk about the sea shore complex. Representative McGuire, I believe you had a hanging question. Did you get that answered?

REP. MCGUIRE: Yeah. I can ask the same thing. So my reading of the bill is that it would not change the level of maintenance along these roads, it would simply move money from one Department to another; is that correct?

MR. MORRIS: Yes. Thank you for the question, Representative. As so needed or as so applied in terms of possibly identifying areas that could be incorporated into the current maintenance program -- excuse me -- that simply haven't kept up to speed with what the growth has been. Because the sea berm itself is included now, like I said, several areas of these seedling type trees that literally encompass main areas of the sea berm itself up as far north as Rye. Because of the irrigation type level of growing that I'm referring to. In other words, open area root systems wherein the nutrient growth patterns are extreme. It's transforming what was the intent of the sea berm into another whole substructure of environmental agricultural type growth which jumps of plant growth issue is what is at hand. So perhaps the DOT -- they have been working around this growth pattern, having upgraded themselves to perhaps adapt to what really needs to be the intent of the sea berm as it was originally designed. It has grown out of its own control. Quite frankly, I've seen it and witnessed it and it's not the way the coastline should be looking, period. Just in terms of the level of that from a scientific point of view, but also what's it's done now, quote,

beautification-wise to the coast road and State highway.

REP. MCGUIRE: Thank you.

VICE-CHAIRWOMAN OBER: You're welcome. Representative Keane.

REP. KEANE: I'm going to try this again.

VICE-CHAIRWOMAN OBER: Followed by Representative Twombly.

REP. KEANE: Thank you, Madam Chairman. Thank you for coming today. As I'm looking at this, I'm looking at capital expenditures which are bonded. And then Line 16 I see something thrown in about mowing the weeds, which is --

MR. MORRIS: Madam.

REP. KEANE: -- not a capital expense. It's an operational expense. And again, I would ask the question does this bill propose bonding operating expenses?

MR. MORRIS: Thank you for the question, Representative Keane. When you asked relative to the bonding in effect on funding, are you referring to what is in place with the additional State agency? I'm not quite sure --

REP. KEANE: Let me clarify if I can, Madam Chairman.

VICE-CHAIRWOMAN OBER: Yes.

REP. KEANE: Thank you. I'm looking at the Act, and it starts out with capital appropriation, Hampton Seashell Complex, amended, and so on and so forth. Then it mentions a number of capital improvements. Mount Washington Tip Top, Expansion, the Seashell, Beach Seawall Project, et cetera. These are all capital expenditures. And then I get to Line 16 and I see the Department of Resources and Economic

Development shall reimburse, so on and so forth, for the cost of mowing the median strip. That is not a capital expense. That's an operating expense. And so you want to take some of the bonding money and put it into operating expenses.

MR. MORRIS: Well, Representative Keane, the perplexity that exists here relative to that bonded amount of funding that you refer to and, quote, under maintenance, quote, slash mowing, this perhaps is what been reduced to in terms of mowing but the mowing simply in that capacity. That's why this needs to be a conducive discussion with your Committee, Representative, it would be my interpretation. Because the bonded amount simply is not being applied here properly in terms of what the design should have been to call for the bonded fund to support the project. It's fallen behind itself in terms of being able to be done specifically and I -- if I'm not being clear about that I'd be happy to readdress it. But this is relative to bonded funding, of course, but the Seashell Project, of course, its upgrade inclusive right to the new section of Hampton Beach, I believe and maintain just simply hasn't brought up to proper discussion level or identification of what that should have included. And if that's the case, then I would suggest that this Committee needs to re-examine that as well in terms of determining why it has gotten to this point visually, photographs forthwith on such areas that the Committee's request they're on file now.

VICE-CHAIRWOMAN OBER: Can you answer the question, please?

MR. MORRIS: I just did. I can restate the answer if it's not properly interpreted.

VICE-CHAIRWOMAN OBER: Representative Keane, as the bill is written they're asking to bond those dollars.

MR. MORRIS: If necessary, I would request that -- I

would suggest that the Committee would be requesting such a bond because as it's in place now it's not effective.

So --

REP. KEANE: Thank you.

MR. MORRIS: -- what use is the bonded fund if it's not getting the job done here relative to the upkeep and maintenance of the coast state highway.

VICE-CHAIRWOMAN OBER: Representative Twombly, you had a question?

REP. TWOMBLY: Yes, I do. Thank you. Could it be possible that Department of Transportation people who are out there doing this mowing don't realize that folks consider trees to be weeds and like most folks they just -- they leave the trees to grow and just cut the weeds. Could it be that all we have to do, or all somebody has to do is talk to the Department of Transportation folks and tell them that some citizens would like the trees cut down as well? Rather than allocating money, they could do it on their own with the budget that they already have.

MR. MORRIS: Thank you for the question, Representative Twombly. Yes and no would be the answer to the question because should the trees remain, it wouldn't be -- and it's not an issue of citizens requesting visionary or visuals to the actual ocean of which is, unfortunately, quite limited as you may know of the coast road. Unfortunately, ensuant from the Hampton border through the Rye from a passenger motor vehicle you can't see the ocean. But again, that's not a discussion for this day. But the trees and the weeds now having growing to this extent, yeah, of course, that would be a conducive type discussion to be had with DOT, and I have no doubt of their willingness at this point of discussion and at this level of discussion engagement with them. However, because that could be an incorporated oversight that has conjoined itself now with its, say, reference bonded issue of funded



release or funded allocated, could be of issue and I think as such, I think the Committee should be cohesively involved with the discussion for a safeguard protection should somebody still be able to not identify the significant upgrade needed here to justify the bonded amount of money of a job that simply made by oversight, non-adherence, I doubt, and/or simply a growth pattern that has simply gotten out of scope to its original design of why -- of this infrastructure that was put in, and now the infrastructure having grown outside of the scope of what was originally called for maintenance. Because it does go beyond mowing here on many levels here from the sea berm Rye south to Hampton -- just north of Hampton Beach at a place called Cove Beach.

REP. TWOMBLY: Thank you.

MR. MORRIS: You're welcome.

VICE-CHAIRWOMAN OBER: Additional questions? Seeing none. Thank you very much.

MR. MORRIS: You're welcome, Madam Chair. Mr. Chairman.

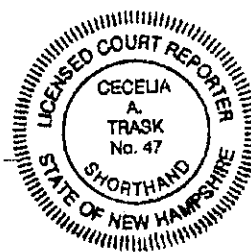
VICE-CHAIRWOMAN OBER: This will conclude the hearing on House Bill 498.

(Hearing concluded at 11:04 a.m.)

## CERTIFICATION

I, Cecelia A. Trask, a Licensed Court Reporter-Shorthand, do hereby certify that the foregoing transcript is a true and accurate transcript from my shorthand notes taken on said date to the best of my ability, skill, knowledge and judgment.

Cecelia A. Trask  
Cecelia A. Trask, LSR, RMR, CRP  
State of New Hampshire  
License No. 47



# Speakers



# Hearing Minutes

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 498-FN

BILL TITLE: relative to weed control along certain state routes.

DATE: February 14, 2011

LOB ROOM: 210-211 Time Public Hearing Called to Order: 10:30

Time Adjourned:

(please circle if present)

Committee Members: Reps. Weyler, L. Ober, Kurk, Emerton, Rodeschin, Belvin, Elliott, Vaillancourt, Allen, Marshall, Quandt, R. Barry, Cebrowski, Wm. Smith, Sova, Umberger, Keane, Simard, Twombly, Worsman, Foose, Nordgren, Baroody, Benn, Lerandeau and Rosenwald.

Bill Sponsors: Rep. Sheffert, Rock 15

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

No one present to testify. Rep. Sheffert arrived late.

\* Rep. L. Ober read into the record a letter, in opposition to the bill, from Interim Director Gail Wolek, Department of Resources and Economic Development, Division of Parks and Recreation.

Rep. Rice, representing Hampton, spoke in opposition to the bill. Not much grassy area to mow. Volunteer group of Chamber takes care of grounds.

Rep. Sheffert: Focusing on Rt 1A, not keep up with maintenance of roadway grass – never introduced amendment 2011-0115h.

Rep. Kurk: Would you rather spend money on grass mowing vs. other problem area?

Rep. Sheffert: Only asking for a small amount of money.

Mr. Richard Morris, representing himself: Department of Transportation (DOT) weed control and managing saplings has not been very good. Infrastructure has deteriorated. Seabrook to North Hampton needs attention as it is the entrance to NH and tourists have a negative impression. Concerned about entire Rt 1A infrastructure for roads leading to Hampton Beach. Maintenance of berms, mowing.

Rep. D. McGuire: Bill just moving money from one pot to another.

Mr. Morris: Yes, but needs improvement and beautification.

HB 498-FN  
Page 2 of 2

Public Hearing was adjourned to an Executive Session.

Respectfully submitted,

A handwritten signature in cursive script that reads "Karen Umberger". The signature is written in black ink and is positioned above the printed name and title.

Rep. Karen Umberger,  
Clerk

HOUSE COMMITTEE ON FINANCE

PUBLIC HEARING ON HB 498-FN

BILL TITLE: relative to weed control along certain state routes.

DATE: February 14, 2011

LOB ROOM: 210-211 Time Public Hearing Called to Order: 1030

Time Adjourned: 1105

(please circle if present)

Committee Members: Reps. Weyler, (L. Obet, Kurk, Emerton, Rodeschi, Belvin, Elliott, Vaillancourt, Allen, Marshall Quandt, R. Barry, Cebrowski, Wm. Smith, Sova, Umberger, Keane, Simard, Twombly, Worsman, Foose, Nordgren, Baroody, Benn, Lerandeau and Rosenwald.

Bill Sponsors: Rep. Sheffert, Rock 15

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.



HB 498

No one to testify - Rep Sheffert arrived ~~is~~ late

Rep Ober read <sup>interested</sup> letter from Division of Parks & Recreation

Rep Rice Oppose - not much grassy area to mow

Volunteer group<sup>of</sup> Chamber takes care of grounds

Rep Sheffert - Focusing on Rt. 1A  
not keep up with maintenance of roadway  
grass - never introduced amendment 2011-0115h

~~Rep Kane~~

Rep Kirk - would you rather spend money on grass mowing vs. other problem area

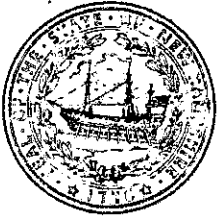
Rep Sheffert - only asking for a small amount of money

Mr. Richard Morris<sup>DOT</sup> - weed control + managing saplings has not been very good  
Infrastructure has deteriorated  
Seabrook to North Hampton - needs attention as it is the entrance to NH and tourists have negative impression

concerned about entire Rt 1A infrastructure <sup>mainten</sup> of <sup>of</sup> <sup>Bunns,</sup> <sup>moving,</sup>  
for ~~Hampton Beach~~ roads leading  
to Hampton Beach

Rep Ms <sup>Bill</sup> Thire - just moving money from one  
pot to another  
Mr. Morris - yes but needs improvement  
and beautification

# Testimony



STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
DIVISION of PARKS and RECREATION

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856  
PHONE: (603) 271-3556 FAX: (603) 271-3553 E-MAIL: nhparks@dred.state.nh.us  
WEB: www.nhstateparks.org

February 14, 2011

The Honorable Kenneth L. Weyler, Chairman  
and the Finance Committee  
NH Legislative Office Building, Room 210-211  
Concord, NH 03301

**RE: HB 498 An act relative to weed control along certain state routes.**

Dear Chairman Weyler and Members of the Committee,

Thank you for the opportunity to provide testimony on House Bill 498 that would require that a portion of the capital appropriation for the Hampton seashell complex be expended on the maintenance of the median strip and roadsides near the complex.

The Department of Resources and Economic Development (DRED), Division of Parks and Recreation (Division) respectfully opposes this bill for the following reasons:

- The maintenance of medians and roadsides around and near the Hampton seashell complex is already achieved by the agencies who hold jurisdiction:
  - The Division owns and maintains the roadside along NH Route 1A that abuts Hampton Beach State Park. Costs for maintenance are covered through its operating budget under the State Park Fund.
  - The Port Authority owns and maintains the roadside along NH Route 1A opposite the state park-side.
  - DOT owns and maintains the median and roadsides along NH Route 101.
- The "Hampton Seashell and 2 Bathhouses" project, funded through the Capital Budget, has been fully encumbered toward the construction project itself. There are no additional funds under this line item to apply toward maintenance of roadsides.
- Funding operational and maintenance costs through the Capital Budget, which is bonded and paid out with interest through long-term financing, is not cost effective.

The Division respectfully requests that this committee find HB 498 inexpedient to legislate.

Thank you for considering this testimony.

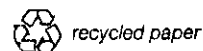
Sincerely,

Gail A. Wolek  
Interim Director

GAW/ttl

C: George M. Bald, Commissioner

TDD ACCESS: RELAY NH 1-800-735-2964



# Voting Sheets

HOUSE COMMITTEE ON FINANCE  
EXECUTIVE SESSION on HB 498-FN

BILL TITLE: relative to weed control along certain state routes.  
DATE: February 14, 2011  
LOB ROOM: 210-211

Amendments:

Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Rodeschin

Seconded by Rep. D. McGuire

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

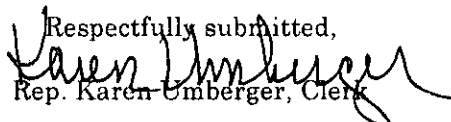
Seconded by Rep.

Vote: (Please attach record of roll call vote.)

REGULAR or CONSENT CALENDAR (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,  
  
Rep. Karen Umberger, Clerk

HOUSE COMMITTEE ON FINANCE  
EXECUTIVE SESSION on HB 498-FN

BILL TITLE: relative to weed control along certain state routes.

DATE:

LOB ROOM: 210-211

Amendments:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. *Rep Roden*

Seconded by Rep. *Rep MS Muir*

Vote: *17-0* (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

REGULAR or CONSENT CALENDAR (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Karen Umberger Clerk

FINANCE

Bill #: HB 498 Fm Title: relative to need control along certain state routes

PH Date: 2 / 14 / 11

Exec Session Date: 2 / 14 / 11

Motion: ITL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Weyler, Kenneth L, Chairman	✓	
Ober, Lynne M, V Chairman	✓	
Kurk, Neal M	absent	
Emerton, Larry	absent	
Rodeschin, Beverly T	✓	
Belvin, William S	absent	
Elliott, Robert J	✓	
Vaillancourt, Steve	✓	
Allen, Mary M	✓	
Quandt, Marshall E	✓	
Barry, Richard W	✓	
Cebrowski, John W	✓	
Smith, William B	absent	
Sova, Charles E	✓	
Umberger, Karen C, Clerk	✓	
Keane, Thomas E	✓	
McGuire, Dan	✓	
Simard, Paul H	absent	
Twombly, Timothy L	✓	
Worsman, Colette	✓	
Foose, Robert A	✓	
Nordgren, Sharon	absent	
Barody, Benjamin C	✓	
Benn, Bernard L	absent	
Lerandeau, Alfred C	absent	
Rosenwald, Cindy	absent	
TOTAL VOTE:	17	0



# Committee Report

CONSENT CALENDAR

February 14, 2011

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on FINANCE to which was referred HB498-FN,

AN ACT relative to weed control along certain state routes.

Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Beverly T Rodeschin

FOR THE COMMITTEE

## COMMITTEE REPORT

Committee:	FINANCE
Bill Number:	HB498-FN
Title:	relative to weed control along certain state routes.
Date:	February 14, 2011
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

The Finance Committee finds this bill inappropriate to bond operating expenses for road side work.

Vote 17-0.

Rep. Beverly T Rodeschin  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

CONSENT CALENDAR

FINANCE

HB498-FN, relative to weed control along certain state routes. **INEXPEDIENT TO LEGISLATE.**  
Rep. Beverly T Rodeschin for FINANCE. The Finance Committee finds this bill inappropriate to  
bond operating expenses for road side work. Vote 17-0.

Original: House Clerk  
Cc: Committee Bill File

COMMITTEE REPORT

COMMITTEE: Finance

BILL NUMBER: HB 498 FM

TITLE: Relative to weed control along certain state routes

DATE: 2/14/2011 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. _____
------------------------

STATEMENT OF INTENT:

\_\_\_\_\_ HB - 498-FN

\_\_\_\_\_ Relative to weed control along

\_\_\_\_\_ certain state routes -

\_\_\_\_\_ Inexpedient to Legislate

\_\_\_\_\_ The Finance Committee finds

\_\_\_\_\_ this bill inappropriate to

\_\_\_\_\_ fund operating expenses for

\_\_\_\_\_ road work.

\_\_\_\_\_ Sincerely, Rodney

\_\_\_\_\_ 17-0

\_\_\_\_\_ KLM

COMMITTEE

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. \_\_\_\_\_

For the Committee

## New Hampshire General Court - Bill Status System

**Docket of HB498**

Docket Abbreviations

**Bill Title:** relative to weed control along certain state routes.*Official Docket of HB498:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/24/2011	H	Introduced 1/6/2011 and Referred to Finance; <b>HJ 11</b> , PG. 188
1/31/2011	H	Public Hearing: 2/14/2011 10:30 AM LOB 210-211 ==Executive Session to Follow==
2/14/2011	H	Committee Report: Inexpedient to Legislate for Feb 23 (Vote 17-0; CC); <b>HC 15</b> , PG.269
2/23/2011	H	Inexpedient to Legislate: MA VV; <b>HJ 21</b> , PG.461

NH House

NH Senate