

# LEGISLATIVE BULLETIN

## Hearing Scheduled on Pole Valuation Bill

The Senate Ways & Means Committee has scheduled its hearing on **HB 1198**, the bill that establishes a statutory valuation formula for telephone poles and conduits, for next **Tuesday, April 12, at 9:30 a.m., in State House Room 103.**

We have discussed this bill in several editions of the Legislative Bulletin (see *Bulletins* [#9](#), [#10](#), and [#11](#)), and will forgo an extended discussion here. We assume that those who are interested in the issue are familiar with the details and the history. Suffice it to say that although the bill as passed by the House was an improvement on the version that had been recommended by the House committee, the version recommended by the Assessing Standards Board—the board with the expertise and the statutory charge to review and make recommendations on assessing—is better still. We will recommend that the Ways & Means Committee adopt the ASB recommendation.

If your municipality has concerns about this bill, and especially if you have been able to determine how the proposed formula would affect property valuations in the municipality, please consider attending the hearing and/or talking to [members of the committee](#) and your own senator. *This will be your last, best opportunity for significant input on this extremely important subject.*

## Committee Recommends RGGI Funds Bill

After a hearing on Wednesday, the House Science, Technology & Energy Committee voted 12-5 the same day to recommend passage of **SB 492**. That is the bill discussed in [last week's Bulletin](#) that would (among other things) increase to \$5 million (from \$2 million) the amount of funding from the sale of carbon allowances under the regional greenhouse gas initiative (RGGI) that is allocated for municipal and school district energy efficiency projects. This is a very encouraging result, and reflects the bipartisan support and compelling arguments in favor of the bill.

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In addition to NHMA, the bill has the support of the Business and Industry Association (BIA), the Department of Environmental Services (DES), the Office of Consumer Advocate (OCA), and several of the state's largest businesses. In fact, as the bill's sponsors pointed out, it is supported by representatives of every group that has any interest at all in the legislation.

We were unable to stay for the entire hearing, but we understand the only testimony against the bill came from an organization called the [New England Ratepayers Association](#), a mysterious entity that purports to speak for the “families and businesses that are served by regulated utilities,” but which provides little information about its membership, governance, or funding. That organization's opposition may be taken with a grain of salt, considering that the bill has the support of the organizations that actually do speak for the families and businesses served by regulated utilities—the [OCA](#) and the [BIA](#), respectively.

To our knowledge, the only argument against the bill is that it achieves the increases in funding for energy efficiency projects by eliminating rebates to residential electric customers. However, as testimony at the hearing indicated, the average rebate to residential customers is approximately \$1.70 a month—about the cost of a cup of coffee. Investing that \$1.70 in energy efficiency projects, rather than in a cup of coffee, will produce far greater savings. According to DES, each dollar invested in energy efficiency results in \$4.95 in energy savings. Those savings do not benefit only the individuals, businesses, and entities that receive energy efficiency funds. “To the contrary,” as DES has pointed out, “any investment in energy efficiency directly benefits all New Hampshire citizens and ratepayers by reducing the overall demand for electricity, [thus] reducing the additional capital investment in generation, transmission and distribution by electricity providers. . . . In addition, investment of RGGI proceeds in municipal [and] school . . . energy efficiency projects helps to reduce those communities' operating expenses, thus reducing local property taxes.”

Despite the overwhelming support for the bill and the fact that *it benefits everyone in the state*, its passage by the full House is far from certain (as evidenced by the fact that five committee members did vote against it). The bill will go to the House floor on **Wednesday, April 20**. Between now and then, please speak to your representatives and urge them to support the committee's recommendation of Ought to Pass.

## THE EDGE

As all of our readers surely know, the principal difference between a city and a town (in New Hampshire) is the form of government. In a town, the legislative body is the town meeting. A city, in contrast, has an elected, representative legislative body.

Last week's *The Edge* cited RSA 47:1, which states, “All the powers vested by law in towns, or in the inhabitants thereof, shall be exercised by the city councils by concurrent vote, each board having a negative on the other.” What does this reference to “councils,” in the plural, mean? A city has only one council, right?

That's right, but it wasn't always the case.

Some history: All of New Hampshire's 13 cities started life as towns. Each of them became a city through the grant of a charter by the legislature. Manchester was the first, in 1846, followed by Portsmouth in 1849, and Concord and Nashua in 1853. The rest followed suit over the next century.

Under the early charters, each city had a *bicameral* legislative body, similar to a state legislature. One board was known as the

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## Police Academy Funding Falling Short

On Thursday, the House Finance Committee held a work session to understand the reasons for a looming shortfall in funding for the Police Standards and Training Council, which operates the police academy. The committee also held a hearing the same day on [SB 527](#), which proposes to alter the manner of funding the academy for the remainder of the biennium by changing the source of revenue from penalty assessments to a general fund appropriation. Information provided to the committee indicated that revenue from penalty assessments (an amount equal to the greater of \$2 or 24 percent of the amount of a fine for a criminal or motor vehicle offense) has been steadily declining over the past several years to the point where penalty assessment revenues may no longer cover academy expenditures. Further information from the Department of Safety showed that a significant drop in the number of tickets issued has contributed to the revenue shortfall in penalty assessments.

During both the work session and the hearing, discussion focused on the implications of changing the funding source from a dedicated fund (funded by the penalty assessments) to a general fund appropriation. The committee explained that such a move may place academy expenditures under far more scrutiny in the future (*i.e.*, in the next biennial budget process) than in the past, which could include legislative review of academy curricula, as well as changing the program design to charge municipalities for room, board, and tuition in order to reduce the burden on the state general fund.

One police chief stated in testimony that he supports [SB 527](#) as the best solution, and the only bill right now, to address the funding needs of the academy through the current biennium. Clearly the issue of funding the police academy in the future is an area that we too will need to review carefully.

## Current Use Exemption

On Tuesday the House Environment and Agriculture Committee heard testimony on [SB 121](#), which proposes to expand an exception to the assessment of the land use change tax. As explained in last week's [Bulletin](#), while desiring to address a specific case involving quarry rubble, the bill as proposed may be interpreted more broadly than intended, with costly consequences to municipalities. NHMA and the NH Farm Bureau Federation both testified in opposition, while the chair of the Current Use Board expressed a number of concerns with the bill. We urge the committee to recommend [SB 121](#) as Inexpedient to Legislate.

### THE EDGE *(Continued)*

board of aldermen, and was presided over by the mayor; the other was called the common council. The two boards together were called the “city councils,” and, as RSA 47:1 states, each had a “negative” on the other.

By the early 20<sup>th</sup> century, however, the bicameral legislative body had begun to disappear (which could happen only through the state legislature’s allowing an amendment to each city’s charter). Eventually, each city eliminated either the board of aldermen or the common council, leaving a unicameral legislative body (like [Nebraska's legislature!](#)).

Confusingly, references to the now-abandoned bicameral legislative bodies still appear in RSA chapters 45 through 47, parts of which have not been amended since the mid-19<sup>th</sup> century. This explains the language in RSA 47:1 quoted above. But each city in fact has only one board. Eleven cities have a city council, while two—Manchester and Nashua—have a “board of mayor and aldermen.” They have essentially the same function, although the role of the mayor is significantly different between the two forms—an issue for another day.



## Time Running Out for Legislative Policy Proposals

NHMA's legislative policy committees held their organizational meeting today and began reviewing legislative policy proposals. There is still time to submit a proposal, but the deadline is fast approaching. **Friday, April 22**, is the last day to submit a proposal—and unlike some deadlines, this one is real. The policy committees will complete their work in May, so they need to receive the policy proposals by the deadline.

Any elected or appointed official from an NHMA member municipality may submit a policy proposal. To do so, please complete a [policy proposal form](#), available on our website, and e-mail, fax, or mail it to us by April 22. If you want to talk about a policy idea, or if you have any questions, please contact the Government Affairs staff.

To view the weekly Legislative Bulletin from the NH School Boards Association, please click [here](#).

### HOUSE CALENDAR

Joint House/Senate Meetings Are Listed Under This Section

#### TUESDAY, APRIL 12

##### **ELECTION LAW, Room 308, LOB**

10:45 a.m. Continued public hearing on **SB 418**, relative to obtaining a ballot to vote and adding National Guard members to the absentee voting laws.

##### **TRANSPORTATION, Room 203, LOB**

10:00 a.m. **SB 471-FN**, relative to parking for persons with disabilities.

11:00 a.m. **SB 550-FN**, relative to the maximum gross weight for dump trailers.

#### WEDNESDAY, APRIL 13

##### **CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB**

11:00 a.m. **SB 475-FN**, requiring law enforcement agencies to file crime reports with the department of safety.

#### TUESDAY, APRIL 19

##### **MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

10:15 a.m. **SB 347**, enabling the state and municipalities to adopt laws and ordinances regulating attire on state and municipal property.

10:45 a.m. **SB 482-FN-L**, (New Title) establishing a committee to study the effect of short-term rentals on municipalities.

11:00 a.m. **SB 348**, (New Title) allowing municipalities to adopt a property tax credit for certain disabled veterans.

#### THURSDAY, APRIL 21

##### **SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB**

10:00 a.m. **SB 333**, relative to net energy metering.

## SENATE CALENDAR

### TUESDAY, APRIL 12

#### TRANSPORTATION, Room 103, LOB

1:30 p.m.      **HB 1655-FN**, relative to the municipal registration fee for an agricultural/industrial utility vehicle.

#### WAYS AND MEANS, Room 103, SH

9:30 a.m.      **HB 1198-FN-L**, relative to the valuation of poles and conduits owned by telephone utilities.

### WEDNESDAY, APRIL 13

#### CAPITAL BUDGET, Room 100, SH

3:00 p.m.      **HB 1349-FN**, relative to the location of the Merrimack county superior court.

#### ENERGY AND NATURAL RESOURCES, Room 100, SH

9:30 a.m.      **HB 1660-FN-L**, relative to eminent domain for gas pipelines and relative to assessment of the land use change tax for eminent domain takings for energy infrastructure.

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

9:00 a.m.      **HB 1292**, relative to the use of abandoned agricultural property.

#### PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB

9:00 a.m.      **HB 1144-L**, relative to notice for sessions of correction of the check list.

9:15 a.m.      **HB 1378**, relative to disabled voters requiring assistance.

9:30 a.m.      **HB 1467**, relative to notice of village district elections.

9:45 a.m.      **HB 1468**, relative to sessions for correction of the checklist.

10:15 a.m.     **HB 1534**, relative to reports of death of voters.

10:30 a.m.     **HB 1587**, relative to limitations on capital reserve funds of counties.

### WEDNESDAY, APRIL 20

#### EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB

9:15 a.m.      **HB 1322**, relative to reports to the public employee labor relations board.

## HOUSE FLOOR ACTION

Wednesday, April 6, 2016

**SB 129-FN**, allowing retired members of the retirement system to change an optional allowance election in certain circumstances. **Passed with Amendment.**

**SB 319-FN**, relative to survivor benefits for families of police officers and firefighters killed in the line of duty. **Passed with Amendment; referred to F-H.**

**SB 328-LOCAL**, (New Title) relative to school districts and school administrative units exercising joint powers with other public agencies. **Passed.**

**SB 370**, establishing a committee to study real time threat notification systems to link schools with law enforcement when schools are under direct threat. **Passed.**

*(House Floor Action — Continued from Page 5)*

**SB 390-FN**, relative to the procedure in retirement system hearings concerning qualification for disability retirement benefits. **Passed.**

**SB 446**, relative to requirements of the state building code. **Passed.**

### **SENATE FLOOR ACTION**

Thursday, April 7, 2016

**HB 1116-FN**, relative to net metering. **Passed.**

**HB 1219-FN-L**, relative to the repurchase of tax-deeded property by the former owner and the costs therefor. **Passed.**

**HB 1689**, relative to operator requirements under the meals and rooms tax. **Referred to Interim Study.**

### **Upcoming Events for NHMA Members**

#### **NHMA Workshops**

Beginning April 9, 2016—Local Officials Workshops—Various Locations

For more information please access our website: [www.nhmunicipal.org](http://www.nhmunicipal.org) and scroll down on the left to CALENDAR OF EVENTS and Click *View the Full Calendar*.

Contact us by phone at 1-800-852-3358 x3350 or email us at [NHMAregistrations@nhmunicipal.org](mailto:NHMAregistrations@nhmunicipal.org)

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#### **NHMA Webinar**

April 20, 2016      Right-to-Know or Right to Privacy?

Time: 12:00—1:00 p.m.

Click [here](#) to register **by noon** on April 19, 2016

Under the Right-to-Know Law, when the release of a file would constitute an invasion of privacy, it is exempt from disclosure. The meaning and application of this exemption often causes confusion and raises questions.

Join Legal Services Staff Attorney Margaret Byrnes and Attorney Matthew Serge of Drummond Woodsum for a look at the case law interpreting this exemption and some real life examples to help you better understand when the right to privacy sufficiently outweighs the public's interest in disclosure.