

# LEGISLATIVE BULLETIN

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## Senators Need Your Attention

As we reported in *Legislative Bulletin # 14*, identical plans for an increase in the road toll (gas tax) passed the House in a stand-alone bill (**HB 617**) and in the trailer bill to the biennial operating budget (**HB 2**). **NHMA supports** an increase in any state revenue source dedicated to highway improvements so long as all additional revenues are used for highway purposes and provided that the proportionate share of such additional revenue is distributed to municipalities as required by existing law – currently 12 percent. The House plan meets these criteria and provides a four-cent increase in the road toll in each of the next three years, for a total increase of 12 cents. Every penny of this increase will go toward roads and bridges, providing an estimated \$816 million in additional funding over the next 10 years for critically needed highway improvements, including almost \$100 million additional funding in highway aid to municipalities. ***This is the only proposal that seeks to provide a long-term financial plan for the state and municipalities to maintain and improve the transportation system.***

Here is a breakdown of where each penny of this increase will go:

| Program Area               | 10-Year Total            | Average<br>Annual Amt   | Cents           |
|----------------------------|--------------------------|-------------------------|-----------------|
| State Aid Bridge/Highway   | 85,000,000.00            | 8,500,000.00            | 1.25 cents      |
| Maintenance & Preservation | 223,900,000.00           | 22,390,000.00           | 3.29 cents      |
| Bridges                    | 111,700,000.00           | 11,170,000.00           | 1.64 cents      |
| Pavement                   | 99,500,000.00            | 9,950,000.00            | 1.46 cents      |
| I-93 (Debt Service)        | 198,000,000.00           | 19,800,000.00           | 2.91 cents      |
| Ten Year Highway Plan      | 659,728.00               | 65,972.80               | 0.01 cents      |
| Municipal Block Grant Aid  | 98,012,690.00            | 9,801,269.00            | 1.44 cents      |
| <b>Revenue Total</b>       | <b>\$ 816,772,418.00</b> | <b>\$ 81,677,241.80</b> | <b>12 cents</b> |

**Gas Tax** - continued

Currently, the proposal is not receiving a warm reception in the Senate, with concerns expressed that this is not a good time to increase taxes, it will cost citizens too much, money will be diverted for non-highway uses, and towns will not get back what their citizens pay. Here are some responses to these concerns:

- First of all, this is not a tax but rather a user fee – the more you drive, the more you pay. It is no different from paying to use a state park, or to use a municipal water or sewer system. No one would seriously suggest that as the cost of providing these services increases, the amount charged to the user should never change. The alternative is to pay for the costs through increases in property taxes and other broad-based taxes.
- The road toll was last increased in 1991. At that time, it represented about 16 percent of the price of a gallon of gasoline. In 2013, it represents about five percent. Meanwhile, the cost of road maintenance and repairs has increased significantly, with the price of asphalt increasing 460%. Through good economic times and bad, whether the price of gasoline was rising or falling, one constant refrain has been that “now is not the time” to increase the road toll. So when *is* the time to pay for the improvements that everybody wants?
- The average motorist driving 12,000 miles per year, averaging just under 22 miles per gallon of gas, would pay approximately \$63 more per year once the increase is *fully* implemented in three years. And this estimate assumes the increased road toll will result in a penny-for-penny increase in the price of gas at the pump, which may not necessarily be the case.
- As shown in the table above, all revenue generated by this increase will be allocated to highway and bridge purposes. None of this revenue is diverted for other purposes.
- Transportation infrastructure maintenance and improvements need to be addressed on a statewide basis, not a town-by-town basis. In the 21st century, there are few if any people who drive only on town roads and never leave their own town. Although we would not object if 100 percent of the increase went to municipal roads, that is not a plausible suggestion. Everyone lives in a city or town, but everyone uses roads throughout the state. Citizens living in one town certainly benefit from the ability to travel safely to other communities and other regions of the state.

The Department of Transportation has provided maps and reports showing the red-list bridges, “poor” road conditions, and municipal block grant aid by municipality for each of the 24 Senate districts. Click [here](#) to see these maps and reports.

Every senator needs to hear now from his or her constituent municipalities about the importance of supporting the 12-cent increase in the road toll as proposed by the House. The maps and reports referenced above paint a compelling picture of

**Gas Tax** - continued

the significant transportation infrastructure needs throughout the state, needs that can be addressed only by increased funding to the state's highway trust fund. Senators must be told what is happening in your municipality in terms of deferred maintenance, repair costs, road and bridge closures/weight limits, and the impact on your citizens and the property taxes they pay.

***Please contact your senator as soon as possible and urge support for the road toll increase.***

### Hearing on Voter ID Bill Next Week

The Senate Public & Municipal Affairs Committee will hear testimony next week on **HB 595**, which would repeal "Phase 2" of the voter identification law that was passed last year. ***NHMA supports HB 595.*** The hearing is scheduled for **Wednesday, April 24, at 10:20 a.m., in LOB Room 102.**

Most readers are no doubt aware that the voter ID law was enacted to take effect in two phases. The first phase took effect last September and applied to the elections last fall and this spring. The second phase is scheduled to take effect September 1 of this year.

Phase 2 would bring two major changes. First, it would allow significantly fewer forms of identification. No longer acceptable would be a student ID, many governmental IDs, other non-specified IDs deemed sufficient by election officials, or verification of the voter's identity by an election official. Second, while a voter who does not show an ID would still be able to vote by completing a challenged voter affidavit, the moderator or designee would be required to take a photograph of the voter (unless the voter executes an affidavit of religious exemption) and attach it to the challenged voter affidavit.

Most people, even those who opposed last year's voter ID bill in the first place, seem to agree that it worked reasonably well in the fall and spring elections. Although some local election officials had expressed concerns that the ID requirement would lead to delays, NHMA did not take a position on last year's bill.

However, we do believe the Phase 2 requirements will increase costs and cause delays, while doing little or nothing to enhance the fraud prevention measures already in effect. Although the secretary of state's office is required to bear the cost of photography equipment for each polling place, there will inevitably be an increase in the workload of election officials, as many more voters will need to sign affidavits, and all who do so will have to have their pictures taken by election officials. Each polling place will also need additional space for the photograph equipment. These additional burdens will require additional staffing (at additional cost), additional time, or both.

**Voter ID Bill** - continued

As a reminder, Phase 1 represents the version approved by last year's Senate, while Phase 2 was approved by the House. The Senate fought hard against the House version but ultimately compromised and agreed to let it be included as Phase 2. If the Senate wants to act consistently with the position it took last year, it should join the House in repealing Phase 2.

We know many moderators, clerks, and supervisors of the checklists have already registered their support for **HB 595**. We encourage you to do so again, by attending the hearing, contacting [members of the committee](#), or contacting your own senators.

**Absentee Ballot Bill Derailed**

As we reported recently, the Senate Public & Municipal Affairs Committee recommended an amendment to **HB 183**, the bill that would allow an earlier start time for processing absentee ballots at state and local elections. (Current law provides that processing cannot begin until 1:00 p.m.) The bill as introduced in the House would have allowed processing to begin as soon as the polls open. The House amended it to push the time back to two hours after the polls open, which was an acceptable compromise (although the need for any compromise was unclear).

At the Senate hearing two weeks ago, with all interested parties represented, all witnesses agreed that they preferred the original version, but could live with the House version. No one objected to either version. The Senate committee therefore unanimously recommended amending the bill to return to the original version, allowing processing to begin as soon as the polls open.

Concerns suddenly started to arise just before the Senate vote this week, and the bill was tabled without discussion. We *hope* an agreement will be reached and the bill will pass in some form at the next session, but clearly there is cause for concern here. We expect there will be efforts to kill the bill. This is about the fifth time in the last fifteen years that this simple, obvious fix to a bad law has run into problems, despite universal support from the local officials who are affected by the law.

***Moderators, clerks, and other local officials—please hold your senators' feet to the fire on this bill. Contact them now and insist that they support HB 183.***

**HOUSE CALENDAR****TUESDAY, APRIL 23****PUBLIC WORKS AND HIGHWAYS, Room 201, LOB**

10:30 a.m.      Rescheduled public hearing on **SB 192-FN-L**, establishing a committee to study the establishment of a state infrastructure bank.

**House Calendar** - continued**WEDNESDAY, APRIL 24****MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

1:00 p.m. Or after the House session ends, public hearing on **SB 185**, establishing a commission on housing policy and regulation.

**SENATE CALENDAR****TUESDAY, APRIL 23****HEALTH, EDUCATION AND HUMAN SERVICES, Room 103, LOB**

9:00 a.m. **HB 305**, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities.

**WEDNESDAY, APRIL 24****ENERGY AND NATURAL RESOURCES, Room 101, LOB**

9:15 a.m. **HB 189**, extending the commission to study water infrastructure sustainability funding.

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

9:30 a.m. **HB 178-FN-L**, relative to public employer collective bargaining agreements.

9:50 a.m. **HB 367**, relative to the municipal bond bank reserve process. **NHMA Policy.**

10:20 a.m. **HB 595-FN**, relative to photo identification of voters. **NHMA Policy.**

**TUESDAY, APRIL 30****HEALTH, EDUCATION AND HUMAN SERVICES, Room 103, LOB**

9:00 a.m. **HB 295-FN**, requiring criminal background checks for volunteers and employees at youth skill camps.

**WAYS AND MEANS, Room 103, SH****REVENUE PRESENTATION**

10:00 a.m. **HB 507-FN**, relative to the maximum permit application fee for certain municipal dredging projects.

**SENATE FLOOR ACTION**

Thursday, April 18, 2013

**HB 112-FN**, relative to reclamation trust funds. **Passed.**

**HB 138**, permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article for the adoption of ordinances on the official ballot. **Passed with Amendment.**

**Senate Floor Action** - continued

**HB 139**, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts. **Passed with Amendment.**

**HB 147-FN**, repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments. **Passed.**

**HB 181**, repealing the equalization standards board. **Passed.**

**HB 182**, relative to appointments to the assessing standards board. **Passed.**

**HB 183**, relative to processing absentee ballots. **Laid on Table. NHMA Policy.**

**HB 206**, relative to political advertising. **Passed.**

**HB 265**, relative to procedures by absentee voters. **Laid on Table.**

**HB 308**, relative to technical changes to election laws. **Passed with Amendment.**

**HB 428**, relative to funds for dam maintenance, removal and improvement. **Passed.**

**HB 516**, establishing a committee to study the overlap of federal, state, and local regulation relative to environmental issues. **Passed.**

**HB 517**, relative to the incidental combustion of untreated wood at certain municipal transfer stations. **Passed. NHMA Policy.**

**HB 521**, establishing a committee to study New Hampshire election laws and procedures. **Passed with Amendment.**

**HB 522**, relative to duties of town treasurers. **Passed with Amendment. NHMA Policy.**





# 2013 LOCAL OFFICIALS WORKSHOPS

*Presented by New Hampshire Municipal Association's Legal Services attorneys, the 2013 Local Officials Workshops provide elected and appointed municipal officials with tools and information to effectively serve their communities.*

**APRIL 3 – MAY 11**  
**9:15 a.m. – 3:15 p.m.**

**A workshop for NHMA Members.**  
**No registration fee • Pre-registration required**

Attendees will receive a copy of NHMA's 2013 edition *Knowing the Territory*.  
Continental breakfast and lunch will be provided.

## Basic Workshops

An overview of the Right to Know Law, town governance, public employment, liability and more will be provided. Interactive discussions will offer an opportunity to test scenarios, discuss concerns, ask questions and share ideas.

**Wednesday, April 3**  
Keene Recreation Center

**Wednesday, April 10**  
Moultonborough Public Safety Building

**Cancelled — Tuesday, April 23**  
Gorham Town Hall

**Friday, May 3**  
McConnell Center, Dover

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Questions? Call 800.852.3358, ext. 3350  
or email [registrations@nhlgc.org](mailto:registrations@nhlgc.org).

## In-Depth Workshops

These workshops offer more in-depth coverage of the specific topics listed under each date.

**Part I, Saturday, May 4**  
Local Government Center, Concord  
*Topics will include the Right to Know Law, town governance, and budget law.*

**Part II, Saturday, May 11**  
Local Government Center, Concord  
*Topics will include liability, public employment, conflicts of interest, and streets and highways.*

For more information or to  
register online, please visit  
[www.nhmunicipalassociation.org](http://www.nhmunicipalassociation.org)  
and click on Training & Events.

Online pre-registration required one week prior  
to event date. Space is limited!