

LEGISLATIVE BULLETIN

Bulletin #16

2015 Session

April 17, 2015

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Phony Telco Numbers Explained

“Everyone is entitled to his own opinion, but not his own facts.”
— Daniel Patrick Moynihan (attributed)

The Senate Ways & Means Committee is likely to take up **HB 547**, which establishes a valuation formula for taxing telephone poles, when it meets next Tuesday, April 21. *Please urge committee members and your own senator to oppose HB 547.*

Two weeks ago, we called attention to the numbers that FairPoint was citing for its claim that municipalities were assessing its poles erratically. The company claimed that its poles had been assessed at an average of \$6,865 in Groton, \$5,365 in Derry, and \$2,400 (or sometimes \$2,489) in Lempster, while they were assessed at just a few hundred dollars in other municipalities. We had checked with the assessors for those three municipalities and discovered that the poles had actually been assessed at \$623 in Groton, \$713 in Derry, and \$962 in Derry.

Subsequently, in our continuing search for an explanation, we asked a representative of FairPoint where the company came up with its numbers. We never did get an answer for Groton or Derry, but we did for Lempster.

First, the factual background. The town’s tax warrants—public records available to anyone—for the years 2011 through 2014 show the following total assessments for FairPoint’s property:

Year	Assessment
2011	\$1,401,500
2012	1,321,500*
2013	283,000
2014	283,000

* Subsequently abated to \$786,000

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NHMA Policy Bills- continued

- Also on **Tuesday, at 1:00 p.m., in LOB Room 103**, the Senate Transportation Committee is scheduled to hear testimony on **HB 130**, which allows the use of one rear-facing blue light on municipally owned emergency vehicles such as fire trucks and ambulances.

Please contact committee members or attend the hearings to support these bills if you are interested.

Accessory Dwelling Units



As we mentioned last week, the hearing on **SB 146**, relative to accessory dwelling units, has been scheduled for a hearing before the House Municipal and County Government Committee on **Tuesday, April 21, at 10:30 a.m., in LOB Room 301**. We wrote about this bill in Bulletin #12. If you have an opinion about the bill, either positive or negative, consider contacting the committee or attending the hearing.

Coalition of Legislators Against Downshifting

On Wednesday, NHMA staff were invited to give a presentation to the newly formed Coalition of Legislators Against Downshifting (CLAD). Despite competition from another presentation (that one offering a free lunch!) we were most impressed that over 40 legislators crowded into the room to hear our report and discuss the issue of downshifting. It was a bipartisan group, although a bit light on one side, which was the only thing that we found disappointing, as downshifting affects the local property tax payers in every municipality.

We shared much of the same information with legislators that we have presented in the Legislative Bulletin, including the overview of budget cuts provided in Legislative Bulletin 13, the budget numbers chart provided in Legislative Bulletin 14, and the list of estimated reductions in state aid by municipality.

The budget is a complicated document, and it isn't always what it appears to be without a thorough review and an understanding of context. The state aid numbers can also be less than straightforward, and we appreciate the opportunity to speak with legislators who are concerned about the property tax burden downshifting imposes on constituents.

Will Moderators Have to Double as Photographers?

The question of whether moderators will have to begin taking photographs of voters at elections after September 1 is kicking around in the legislature, and has not been resolved yet. The answer may come in the budget bill, which of course will not be decided until June.

Some background: In 2012 the legislature enacted a voter identification law. Under that law, if a voter does not present a photo ID at the polls, he or she may still vote by completing a qualified voter affidavit. The new law included a provision requiring the moderator to take a photograph of any voter who signs a qualified voter affidavit and attach it to the affidavit. That provision, however, had a delayed effective date of September 1, 2013, and in 2013 the effective date was delayed again until September 1, 2015.

This year, **SB 207** would have eliminated this requirement altogether, and NHMA supported that effort. Unfortunately, the Senate killed that bill, so as of right now, the requirement is scheduled to take effect this September.

However, there is still hope. As mentioned in the budget article above, the House Finance Committee is poised to include a provision in **HB 2** that would suspend the requirement until September 1, 2017. This is a budget-related action, because if and when the requirement does take effect, it requires the Secretary of State to provide each municipality with the necessary photography equipment.

We would prefer to see the requirement repealed instead of suspended, because it is difficult to see how taking a picture of a voter is going to make a dent in voter fraud. It certainly is not worth the hassle to equip every polling place with cameras and give moderators one more job to do on election day. We are optimistic that the suspension will remain in **HB 2** through the end of the process.

Accessory Dwelling Units



The Senate last week passed a bill that would affect how municipalities regulate the creation of accessory dwelling units (ADUs) (often referred to as “in-law apartments”). The bill has been referred to the House Municipal and County Government Committee, although a hearing has not been scheduled yet.

The bill is an effort to expand housing opportunities for elderly parents and for young adults, and it limits a municipality’s ability to restrict the creation of ADUs. NHMA initially opposed the bill because of its restriction on local control, but quickly concluded that the bill was likely to pass regardless of our opposition. Our options, then, were (a) to oppose the bill and lose without anything to show for it; or (b) to work with the bill’s supporters to make it more palatable. We chose the latter.

The bill that went to the Senate floor last week had several improvements, most notably a provision allowing the municipality to require a special exception for an

Accessory Dwelling Units - continued

ADU, and another stating that every ADU will be considered a unit of workforce housing for purposes of satisfying the municipality's statutory obligation. In exchange for these concessions, NHMA agreed not to oppose the bill.

One unfortunate change, however, came in the form of a floor amendment. The bill recommended by the committee would have allowed municipalities to limit ADUs to a maximum size of "800 square feet of living space or 40 percent of the living space of the principal dwelling unit, whichever is smaller." The floor amendment eliminated the reference to 800 square feet, meaning that the municipality could only limit an ADU to 40 percent of the size of the principal unit. For a 3,000-square-foot house, that would mean allowing a 1,200-square-foot ADU.

If we are able to get the 800-square-foot alternative restored, we will not oppose the bill in the House. However, individual municipalities should feel free to express their views, positive or negative, to their own representatives or to members of the Municipal and County Government Committee.

HOUSE CALENDAR

Joint House/Senate Meetings Are Listed Under This Section

TUESDAY, MARCH 24**CRIMINAL JUSTICE AND PUBLIC SAFETY, Rooms 206-208, LOB**

10:00 a.m. **SB 116-FN**, repealing the license requirement for carrying a concealed pistol or revolver.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 20-FN-L**, (New Title) establishing a commission on historic burial grounds and cemeteries.

10:30 a.m. **SB 54**, relative to property tax payments by therapeutic cannabis alternative treatment centers.

11:00 a.m. **SB 97**, authorizing municipalities to adopt ordinances to regulate storm-water to comply with federal permit requirements.

11:20 a.m. **SB 98**, relative to third party review required by the planning board.

11:40 a.m. **SB 143**, relative to defining phased development.

FRIDAY, MARCH 27**COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E:1), Department of Environmental Services, Pease**

9:00 a.m. Regular meeting.

FRIDAY, APRIL 3**COASTAL RISK AND HAZARDS COMMISSION (RSA 483-E:1), Department of Environmental Services, Pease**

11:00 a.m. Steering Committee.