

HB 644-FN-A-LOCAL - AS AMENDED BY THE HOUSE

04Mar2009... 0415h

2009 SESSION

09-0537

06/10

HOUSE BILL **644-FN-A-LOCAL**

AN ACT increasing the rate of the road toll, establishing the New Hampshire road and bridge account, limiting the uses of road toll revenues, and establishing a commission to study revenue sources for funding improvements to highways and bridges.

SPONSORS: Rep. Campbell, Hills 24; Rep. Bouchard, Merr 11; Rep. Graham, Hills 18; Rep. Ingram, Rock 4

COMMITTEE: Public Works and Highways

AMENDED ANALYSIS

This bill:

- I. Increases the road toll.
- II. Establishes a fund,
- III. Limits the uses of road toll revenues.
- IV. Establishes a commission to study revenue sources for funding improvements to highways and bridges.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nine

AN ACT increasing the rate of the road toll, establishing the New Hampshire road and bridge account, limiting the uses of road toll revenues, and establishing a commission to study revenue sources for funding improvements to highways and bridges.

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

1 New Subparagraph; Application of Receipts. Amend RSA 6:12, I(b) by inserting

after subparagraph (276) the following new subparagraph:

(277) Moneys deposited in the New Hampshire road and bridge account established under RSA 260:32-a.

2 Levy of Tolls and Exemptions. Amend the introductory paragraph of RSA 260:32 to read as follows:

260:32 Levy of Tolls and Exemptions. There is hereby imposed a road toll of \$.18 per gallon upon the sale of each gallon of motor fuel sold by distributors thereof.

The road toll on gasoline shall increase to \$.23 per gallon beginning July 1, 2009; to \$.28 per gallon beginning April 1, 2010; and to \$.33 per gallon beginning April 1, 2011. The road toll on special fuel (diesel) shall increase to \$.23 per gallon beginning July 1, 2009; to \$.28 per gallon beginning July 1, 2011; and to \$.33 per gallon beginning July 1, 2013. The road toll shall be collected by the distributor from the purchaser and remitted to the state in the manner hereinafter set forth. ***All amounts collected in excess of \$.18 per gallon shall be apportioned as follows: \$.04 of each \$.05 increase shall be deposited on a monthly basis into the New Hampshire road and bridge account established in RSA 260:32-a, and \$.01 of each such increase shall be deposited on a monthly basis into the highway and bridge betterment account established in RSA 235:23-a, II.*** Provided, that the road toll shall not apply to:

3 New Sections; Account Established; Apportionment. Amend RSA 260 by inserting after section 32 the following new sections:

260:32-a Account Established. There is established a separate account in the highway fund called the New Hampshire road and bridge account to be used exclusively for the construction, reconstruction, and maintenance of state and municipal roads and bridges in the state. The account shall consist of \$.04 of each \$.05 of the funds attributable to all road toll revenue collected in excess of \$.18 per gallon. The amount deposited into the New Hampshire road and bridge account is hereby exclusively and continually appropriated to the department of transportation and shall be nonlapsing.

260:32-b Apportionment. In each fiscal year, the commissioner shall allocate an amount equal to 12 percent of the total road toll revenue collected in the preceding fiscal year to be distributed to cities and towns in accordance with the formula in RSA 235:23, I and shall be in addition to any amounts allocated under that paragraph. The remaining 88 percent in the New Hampshire road and bridge account shall be allocated to the department of transportation exclusively for the construction, reconstruction, and maintenance of state roads and bridges.

4 Use of Road Tolls. Amend RSA 260:35 to read as follows:

260:35 Use of Road Tolls. The road tolls shall be used initially to pay the interest and principal due on any bonds and notes issued pertaining to highway purposes, and the remainder shall be paid into the highway fund. ***The allocation limitations established under RSA 9:9-b shall apply only to the funds attributable to the first \$.18 per gallon of road toll revenue. Four cents of each \$.05 collected in excess of \$.18 per gallon shall be deposited into the New Hampshire road and bridge account established in RSA 260:32-a and***

apportioned in accordance with RSA 260:32-b.

5 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, I to read as follows:

I. Every person not registered as a distributor who transports motor fuel or products subject to the fees stipulated in RSA 146-A, ***to a point or points outside the state from a point or points within the state,*** to a point or points within the state from a point or points outside the state, ***or to a point or points within the state from a point or points within the state,*** every common carrier or contract carrier who transports motor fuel or petroleum products, and every licensed distributor who transports motor fuel or petroleum products exclusive of the carrier's own product shall be licensed with the commissioner as a motor fuel and petroleum products transporter.

6 Motor Fuel and Petroleum Products Transporter. Amend RSA 260:42, V to read as follows:

V. The transporter shall report to the commissioner on forms prescribed by the commissioner, not later than the twentieth of the succeeding calendar month, subject to prosecution for unsworn falsification, all deliveries of motor fuel and petroleum products made to ***or from*** points within the state during the previous calendar month. Such reports shall contain sufficient information to identify the quantities delivered, the consignor, the consignee and such additional information as the commissioner may require. A report shall be filed for any month in which no activity occurs. Information required pursuant to this paragraph which has been deemed confidential or as to which a request for confidential treatment is pending shall not be shown to or reviewed by any person other than the employees of the department who have a legitimate need to know the information for the purposes of enforcement of this subdivision, or fuel tax officials of another state as required by RSA 260:56, I, in which case the officials shall be required by the commissioner to agree to a similar limitation on disclosure before such information is furnished.

7 Commission Established. There is established a commission to study future sustainable revenue sources for funding improvements to state and municipal highways and bridges.

8 Membership and Compensation.

I. The members of the commission shall be as follows:

- (a) Three members of the house of representatives, appointed by the speaker of the house of representatives.
- (b) One member of the senate, appointed by the president of the senate.
- (c) The commissioner of the department of revenue administration, or designee.
- (d) The commissioner of the department of safety, or designee.
- (e) The commissioner of the department of transportation, or designee.
- (f) The commissioner of the department of environmental services, or designee.
- (g) The commissioner of the department of resources and economic development, or designee.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

9 Duties. The commission shall study revenue sources that are fair and adequate to meet the funding needs of state and municipal highways and bridges based on the new technology in electric, hybrid, and other alternative fuel automobiles.

10 Chairperson; Quorum. The members of the commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the first-named house member. The first meeting of the commission shall be held within 45 days of the effective date of this section. Five members of the commission shall constitute a quorum.

11 Report. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2010.

12 Effective Date.

I. Section 7 through 11 of this act shall take effect upon its passage.

II. The remainder of this act shall take effect July 1, 2009.

LBAO

09-0537

Revised 03/02/09

HB 644 FISCAL NOTE

AN ACT increasing the rate of the road toll, establishing the New Hampshire road and bridge account, and limiting the uses of road toll revenues.

FISCAL IMPACT:

The Department of Safety states this bill will increase state highway fund restricted revenue by \$49,190,243 in FY 2010, \$91,353,308 in FY 2011, and \$126,489,196 in FY 2012 and FY 2013 and increase state highway fund expenditures and local revenue by \$5,902,829 in FY 2011, \$10,962,397 in FY 2012, and \$15,178,703 in FY 2013. There will be no fiscal impact on county revenue or county and local expenditures.

METHODOLOGY:

This bill increases the road toll from \$.18 to \$.23 per gallon beginning July 1, 2009; \$.28 per gallon beginning May 1, 2010; and to \$.33 per gallon beginning May 1, 2011. This bill also provides that all amounts collected in excess of \$.18 per gallon shall be deposited on a monthly basis into the newly established New Hampshire Road and Bridge Account and that 12% of the revenue derived from the rate increases be allocated to local highway aid thus increasing state expenditures and local revenue accordingly. The Department of Safety Road Toll Bureau's estimates, which are based on a three year average of road toll gallons collected during fiscal years 2006 through 2008, conclude that road toll revenue and amounts allocable to local highway aid will increase by the following:

The Department of Transportation estimates the fiscal impact of this bill using a different method, but approximates the Department of Safety's estimate.