# Bill as Introduced

**HB 1205-LOCAL – AS INTRODUCED**

2000 SESSION

00-2588
10/09

HOUSE BILL ***1205-LOCAL***

AN ACT relative to tax exemption for noise pollution control facilities.

SPONSORS: Rep. MacGillivray, Hills 21

COMMITTEE: Municipal and County Government

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ANALYSIS

This bill adds noise pollution control facilities to the tax exemption provided for water and air pollution control facilities.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

00-2588
10/09

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand*

AN ACT relative to tax exemption for noise pollution control facilities.

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

1 Noise Pollution Control Facilities. Amend the section heading of RSA 72:12-a and RSA 72:12-a, I and II to read as follows:

72:12-a Water, ***Noise,*** and Air Pollution Control Facilities.

I. Any person, firm or corporation which builds, constructs, installs, or places in use in this state any treatment facility, device, appliance, or installation wholly or partly for the purpose of reducing, controlling, or eliminating any source of air, ***noise,*** or water pollution shall be entitled to have the value of said facility and any real estate necessary therefor, or a percentage thereof determined in accordance with this section, exempted from the taxes levied under this chapter for the period of years in which the facility, device, appliance, or installation is used in accordance with the provisions of this section.

II. The party seeking the exemption shall file an application with the department of environmental services if the exemption sought is for a water pollution control facility, ***a noise pollution control facility,*** or an air pollution control facility, with a copy to the taxing authorities in the municipality where the facility is situated. Said application shall describe the facilities and their function or functions and shall state the applicant's total investment therein and the portion allocable to each function.

2 Reference Added; Utility Property. Amend RSA 83-F:1, V(a) to read as follows:

(a) Water, ***noise,*** and air pollution control facilities exempt from local property taxation under RSA 72:12-a;

3 Effective Date. This act shall take effect April 1, 2000.

# Speakers

# SIGN UP SHEET

To Register Opinion If Not Speaking

Bill # HB 1205 - LOCAL Date ____________

Committee M+C Gov't

**** Please Print All Information ****

| Name | Address | Phone | Representing | Pro | Con |
|---|---|---|---|---|---|
| MARY McCarthy | 90 Litchfield Rd Londonderry | 434-1084 | self | | ✓ |
| Laura Thibodeau | 3 Washington Keene, NH | | City of Keene | | ✓ |
| Teresa Rosenberger | Nashua Chamber, Nashua | | | ✓ | |

# Hearing Minutes

## HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

## PUBLIC HEARING ON HB 1205-LOCAL

**BILL TITLE:** relative to tax exemption for noise pollution control facilities.

**DATE:** February 2, 2000

**LOB ROOM:** 301 **Time Public Hearing Called to Order:** 1:15 pm

**Time Adjourned:** 2:32 pm

(please circle if present)

**Committee Members:** Reps. Hess, Patten, P. Coté, Rice, Brundige, Sabella, Griffin, Leone, Noyes, Hager, Akins, Lovejoy, Lockwood, Foster, Kelley, Rosenfield, Fraser, McGuirk, Salatiello, St. Cyr, Sarette, Simon and Zerba.

**Bill Sponsors:** Rep. MacGillivray.

### TESTIMONY

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

**Rep. MacGillivray**: testified in favor as he wanted noise and noise pollution on par with water and air pollution in RSA 72:12a. He said he was not sure whom this applies or applies to, but wanted it in the mix. It's a well-focused bill and it is important because it is a major issue.

**Rep. Hess**: In the areas of air and water pollution, we have guidelines of what are acceptable and not acceptable. To his knowledge, NH has no standards.

**Rep. MacGillivray**: Did not have a good answer.

**Rep. Hess**: This seems to have a fiscal impact on the state.

**Answer**: I don't know why there wasn't a fiscal note. I don't think it will be much.

**Attorney Robert Upton** representing Bow and Newington: opposes the bill. There is no bill in NH that deals with noise. He says there are many cases where "noise" is being used for exemptions. He cited examples such as DES, International speedway (blocks noise), paper company buildings in Berlin. He thinks noise has to be defined or otherwise there will be widespread abuse. It also affects the statewide property tax implementation. In order for anything to qualify for a "noise" credit, it should be directly related to noise.

**Rep. Rice**: Should we not measure the effectiveness of these devices rather than the intent?

**Answer**: I argue that is why I want the BTL to work with DES in evaluating the merit of each exemption.

**Rep. Sarette**: Are there any noise regulations we can go by?

**Upton**: No, not at state level. Only at the Federal level.

**Rep. Akins**: Would you believe that the City of Lebanon is acting upon a proposed ordinance?

**Upton**: There are communities doing that.

**Rep. Foster**: Has the regulations for water and air been abused?

**Upton**: Yes, some appear to be

**Maura Carroll**: NHMA testified in opposition, we have concerns when we start making exemptions to the local property tax. The exemption should be from a state tax and not the local taxes. This is not good public policy at this time.

***Allen Williams**: Manchester opposed the bill and had written testimony. He says noise is very difficult to control. The only state noise law is in RSA 47:17 regarding motor boats.

**Ken Colburn**: DES spoke in favor of the bill but primarily to get your attention. He thinks if these go forward, they should associate with a particular impact. We do not wish to regulate noise, but to include it as a consideration. There are pertinent passages from 72:12a, which refer to noise pollution (Example-Roman III)

**Rep. Foster**: Could saying it could be cited amend this bill?

**Colburn**: He said it could be a friendly amendment. Some people of Londonderry don't think a company such as DES should be responsible to the community and not ask for so many exemptions.

Mary McCarthy attend this hearing, opposes the bill, she did not speak
Laura Thibodeau opposes, did not speak
Teresa Rosenberger supports this bill, did not speak

Respectfully submitted,

Richard C. Leone

Rep. Richard Leone, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1205-LOCAL

**BILL TITLE:** relative to tax exemption for noise pollution control facilities.

**DATE:**

**LOB ROOM:** 301 **Time Public Hearing Called to Order:** 1:20

**Time Adjourned:**

(please circle if present)

**Committee Members:** Reps. Hess, Patten, P. Cote, Rice, Brundige, Sabell, Griffin, Leone, Noyes, Hager, Akins, Lovejoy, Lockwood, Foster, Fraser, McGuirk, Salatiello, St. Cyr, Sarette, Simon and Zerba.

Kelly

**Bill Sponsors:** Rep. MacGillivray.

**TESTIMONY**

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

# HB 1205-L

Rep. Nancy Gilloway Testified in favor as she wanted noise and/noise pollution on a par with water and air pollution in RSA 72:12a

He said he was not sure who this applies or not apply to, but wanted it in the mix. It is a well focused bill and it is important because it is a major issue

Rep Hess: In the areas of air and water pollution, we have guidelines of what are acceptable and not acceptable. To his knowledge, NH has no standards

Nancy Gilloway: Did not have a good answer.

Rep Hess: This seems to have a fiscal impact on the state

Nancy Gilloway: I don't know why there won't a fiscal note. I don't think it will be much.

Atty Robert Upton representing Bow & Kensington opposes the bill. There is no bill in NH that deals with noise.

He says there are many cases where "noise" is being used for exemptions. He cited examples such as DES, Int'l speedway stands (block noise), paper co. bunkerage in Berlin.

He thinks noise has to be defined or otherwise there will be widespread abuse. It also affects the statewide property tax implementation. In order for anything to qualify for a "noise" credit, it should be directly related to noise.

Rep Rice: Should we not measure the performance of these devices rather than the intent?

Upton: I agree. That is why I want the BTL to work with DES in evaluating the merit of each exemption.

Rep Sarette: Are there any more regulations once can go by?

Upton: No, not at State level. Federal only.

Rep Peters: Would you believe that the City of Lebanon is acting upon a proposed ordinance?

Upton: There are communities doing that.

Foster: Have the regulations for water and air been adopted

Upton: Yes, some appear to be

Maura Carroll, NHMA testified in opposition.
We have concerns when we start making exemptions to the local property tax. The exemption should be from a state tax and not the local taxes.
This not good public policy at this time.

* Alden Wellman, Manchester opposed the bill and had written testimony. He says noise is very difficult to control
The only state noise law is in RSA 47:17 re: motor boat

Ken Colburn, DES spoke in favor of the bill but primarily to get your attention
We think if these go forward, they should ~~spell~~ associate with a particular impact
We do not wish to regulate noise, but to include it as a consideration.
There are pertinent passages from 72:12a which refer to noise pollution (ex. Roman III)

Foster: Could this bill be amended by saying it could be cited
Colburn: He said it could be a friendly amendment

_____ of Londonderry doesn't think a Company such as DES should be responsible to the community and not ask for any exemptions.

Ended 2:32

# Testimony

UPTON, SANDERS & SMITH
10 CENTRE STREET
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EMAIL: MAIL@UPTON-SANDERS.COM
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JOHN F. TEAGUE
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BARTON L. MAYER
CHARLES W. GRAU
BRIDGET C. FERNS
DAVID P. SLAWSKY
KIMBERLY KIRKLAND
LAUREN SIMON IRWIN
JOYCE E. SMITHEY

ROBERT W. UPTON
(1884-1972)
JOHN H. SANDERS
(1909-1987)
RICHARD F. UPTON
(1914-1996)
J. GILBERT UPTON
(1930-1998)

OF COUNSEL
FREDERIC K. UPTON

February 3, 2000

Honorable David W. Hess, Chair
Municipal and County Government Committee
Legislative Office Building
Room 301
Concord, NH 03301

Re: House Bill 1205

Dear Chairman Hess & Members of the Committee:

I appreciate the opportunity to appear before you to testify in opposition to House Bill 1205, on behalf of the Towns of Bow and Newington. Because of the time constraints of the Committee at the public hearing on February 2, it was not possible to respond to some of the comments made by Kenneth Colburn of DES. I am taking this opportunity to briefly respond to what he said.

The substance of what Mr. Colburn stated was that because the New Hampshire Energy Facility Site Evaluation Committee (EFSEC) required a proposed energy plant to mitigate noise, it should be granted an exemption under RSA 72:12-a. With all respect to Mr. Colburn, simply because EFSEC believes that noise mitigation is desirable in the siting of an energy plant, does not mean that an exemption from the payment of real estate taxes should likewise be granted. Governmental entities impose noise mitigation on businesses all the time that do not then get the benefit of an exemption. The Chairman himself pointed out several examples where planning boards require businesses as a part of site review under RSA 674:43 to take steps to mitigate noise. Those businesses do not get exemptions for the noise mitigation that they undertake. It is a cost of doing business and the cost of being a good corporate neighbor. The fact that it is EFSEC making the requirement to mitigate noise as opposed to a planning board should make absolutely no difference, and the result should be the same.

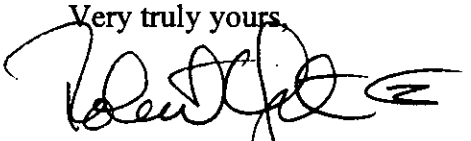
I also thought it was significant that Mr. Colburn did not oppose having the determination of tax exemption made by the Board of Tax and Land Appeals with DES acting in an expert and

advisory capacity. I think what Mr. Colburn was recognizing is that his expertise and the expertise of DES is control and mitigation of pollution of various kinds, not real estate taxes.

Finally, I think I heard Mr. Colburn state that property that was exempt under House Bill 1205 would not be exempt under RSA 83-F, the Property Utility Tax. I hope I misunderstood what he said because it is clear under Section 2 of House Bill 1205 that noise control facilities are not included in the definition of utility property for purposes of RSA 83-F.

Thank you again for the opportunity to appear before your committee. To the extent that you and any of your committee members wish to further discuss any of the concepts I raised in my testimony, or need any drafting assistance, I would be happy to provide it.

Very truly yours,



Robert Upton II

RUII/jhb
cc: Selectmen, Town of Bow
Selectmen, Town of Newington
Lisa Evarts
Maura Carroll
Kenneth Colburn

# The Cheshire Medical Center

*An Affiliate of C&H Health System of the Monadnock Region*

580 Court Street, Keene, New Hampshire 03431-1729 (603) 352-4111

**Robert J. Langlais**
*President / CEO*


February 3, 2000

Rep. David Hess, Chairman
House Municipal & County Government (M&CG) Committee
68 Pine Street
Hooksett NH 03106

Re: House Bill 1144 – Relative to Property Tax Exemption for Not-for-Profit Hospitals

Dear Rep: Hess:

We are voluntary members of the Cheshire Medical Center Board of Trustees who would like to express our strong collective opposition to House Bill 1144, entitled, "Relative to Property Tax Exemption for Not-For-Profit Hospitals."

The Cheshire Medical Center, like many other non-profit rural community hospitals in the State of New Hampshire, has been unduly impacted by cutbacks in Medicare and managed care reimbursement and is currently operating on very slim net operating income margins. Passage of House Bill 1144, which threatens not-for-profit hospitals' tax exempt status for property taxes, if enacted, would severely impact the financial viability of our hospital. We estimate that if the property tax exemption for our hospital were eliminated, it would result in an annual added cost significantly exceeding our annual net operating income by more than two fold. This would severely jeopardize the long term sustainability of our hospital's continued operation.

As voluntary members of the Cheshire Medical Center Board, we are proud of our organization's role in serving the healthcare needs of our community. Our organization serves as an essential community resource, providing many programs and services for which there is no compensation, and providing large amounts of free care for those without insurance and in need of medical services. House Bill 1144 would severely impact our financial ability to continue to be this needed resource for the people who live and work in Southwest New Hampshire. Accordingly, we, the undersigned members of the Cheshire Medical Center Board of Trustees, oppose House Bill 1144.

Respectfully submitted,

Members of the Board of Trustees of the Cheshire Medical Center

**State of New Hampshire**
**DEPARTMENT OF ENVIRONMENTAL SERVICES**
6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-1370 FAX (603) 271-1381

February 2, 2000

The Honorable David W. Hess, Chair
Municipal and County Government Committee
Legislative Office Building, Room 301
Concord, New Hampshire 03301

Re: HB 1205 – A bill to add noise pollution control facilities to the tax exemption provided for water and air pollution control facilities

Dear Chairman Hess and Members of the Committee:

Thank you for the opportunity to testify in support of HB 1205. This measure would address a concern that the New Hampshire Department of Environmental Services (DES) has encountered relative to tax exemptions for pollution control equipment as it applies to the issue of noise pollution, at least in the context of energy facilities.

As you know, the Department of Environmental Services (DES) is responsible for making tax exemption determinations for air and water pollution control equipment in accordance with the provisions of RSA 72:12-a. The New Hampshire Legislature created this exemption in 1971, presumably to assist both the state's business community (and by extension, the state's economy) and the state's natural environment by providing a tax incentive to reduce air and water pollution.

Since RSA 72:12-a was adopted, DES has from time to time received applications for tax exemptions for control equipment installed to reduce noise pollution. These applications are typically grounded in the belief that since air is the medium by which noise travels, noise pollution is arguably a form of air pollution. Although DES believes that the harmful health effects of noise pollution are undeniable, up to this point DES has denied such requests because RSA 72:12-a does not explicitly cite noise pollution control facilities. HB 1205 would add noise pollution control facilities to RSA 72:12-a, making such installations eligible for some degree of tax exemption.

A recent case before the New Hampshire Energy Facility Site Evaluation Committee (EFSEC) provides a good illustration of the merits of HB 1205. An applicant came before the EFSEC proposing to construct a natural gas-fired power plant. Citizens of the community testified before the EFSEC regarding their concern about noise pollution, and the EFSEC heard expert testimony regarding noise pollution. Ultimately, under the authority provided in RSA 162-H, the EFSEC conditioned its approval of the proposed plant with specific requirements to mitigate the noise pollution that it might cause. The applicant subsequently requested of DES a determination that the equipment installed to meet these EFSEC requirements would be tax exempt.

Concerns have been noted about the potential for abuse of tax exemptions on facilities that may contribute to the control or reduction of noise pollution, but whose primary purpose is not noise pollution control. DES shares these concerns because it has had similar concerns regarding air and water pollution control facilities. DES believes, however, that the existing provisions of RSA 72:12-a, III are sufficient to protect against such abuse. These provisions allow DES to determine that only a percentage of a facility is dedicated to the purpose of pollution control and to exempt only that amount of the facility.

DES's interest in this matter is solely due to its direct involvement in both of the conflicting sides of noise-related tax exemption applications: requiring as part of EFSEC that the potential impacts of noise pollution on nearby residents must be mitigated, and simultaneously denying tax exemptions for the controls necessary to do so. As a result of this conflict, DES welcomes the direction that will result from legislative consideration of HB 1205.

Thank you again for the opportunity to testify in support of HB 1205. Please contact me at 271-3503 if you have any questions or need additional information.

Sincerely,

Robert W. Varney / GDB

Robert W. Varney
Commissioner

cc: Rep. Jeffrey MacGillivray

02 February 2000

I have reviewed HB1205 which is requesting the an amendment to RSA 72:12(a) to include "noise" and "noise pollution control facility" as additional grounds on requesting a tax exemption from the New Hampshire Department of Environmental services. And by my opinion I find it vague on it's intent and lacking in it's scope to control noise pollution.

**I - Intent & Scope:**

Noise is everywhere. Some of it we tolerate, some we do not. But what is the noise that this proposed legislation seeks to control? Is the State of New Hampshire so noisy that this is the only way to control it? It appears to me that the intent and scope of this amendment is to allow business's or industries to be granted a tax exemption by the NHDES thus improving their bottom line at the expense of the residents of New Hampshire. The scope and the intent of this amendment needs to be fully stated and explained so it can be reviewed completely with in the context of what is being requested.

**II - Regulations:**

Currently the New Hampshire Department of Environmental services(NHDES) lacks to jurisdiction to consider the exemption of any noise mitigation, equipment or property under RSA 72:12(a).

The State of New Hampshire Does not currently have any statues or regulation which allows the Department of Environmental services to manage or regulate noise abatement. The only statutory authority for any state agency to regulate noise is with respect to off-highway recreational vehicles and motor boats by RSA 215(a):12 and RSA 270:25. Only cities and towns of New Hampshire are authorized to regulate noise by ordinance or bylaw as established by RSA 47:17, RSA 31:39.

It should also be noted that noise is not defined in anywhere ENV-A and the definition of air pollutant and air pollution (ENV-A 101.14 & 101.15) clearly does not cover noise or noise pollution.

**III - Financial Considerations:**

I believe and I'm sure many on this committee knows that there is a financial component to all legislation. That component sometimes falls on the federal government, sometimes on the state but most of the time on the residents.

Questions need to be asked and answers need to be found.

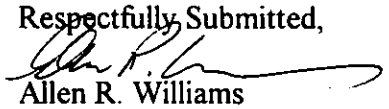
How much is this legislation going to cost the tax payers of the State of New Hampshire? What is the increased request of the DES's budget to regulate noise going to be? How much tax revenue will be lost to the State of New Hampshire from business requesting, and in some cases demanding a tax exemption? What will be the cost of litigation to the State when businesses dispute their tax exemptions? How much will it cost other state agencies to gear up to support this legislation both in manpower and increased budgets? What is the cost to the state to develop and generate statues and regulations to be used as the "benchmark" to gage the tax exemption requests?

Asking the questions is always easier than finding the answers but when wide sweeping, broad based legislation like this is proposed answers are needed to be found before proceeding to ensure that the proposed legislation is fair for all.

In conclusion I believe that HB1205 is the "cart before the horse" syndrome and until a time that the State of New Hampshire develops and defines statutes and regulations which can regulate and control noise pollution I respectfully request this committee to consider reporting this bill to the house of Representatives as "inexpedient to legislate".

I thank you for your time and consideration on this matter.

Respectfully Submitted,



Allen R. Williams

151 Rosegate Farm Drive
Manchester, NH 03109
Phone: (603) 886-3056

# Voting Sheets

**HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT**

**EXECUTIVE SESSION on HB 1205-LOCAL**

**BILL TITLE:** **relative to tax exemption for noise pollution control facilities.**

**DATE:** 2/9/2000

**LOB ROOM:** 301

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep. Griffin

Seconded by Rep. Kelley

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

**Motions:** OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

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

**CONSENT CALENDAR VOTE:** 14-0

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

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Richard C. Leone, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1205-LOCAL

**BILL TITLE:** **relarive to tax exemption for noise pollution control facilities.**

**DATE:** 02/09/00

**LOB ROOM:** 301

**Amendments:**

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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**Motions:** OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

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

**Motions:** OTP, OTP/A, ITL, Re-Refer, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

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

**CONSENT CALENDAR VOTE:** {Type VOTE} Consent 14-0

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

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Richard C. Leone, Clerk

OFFICE OF THE HOUSE CLERK

2000 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: 1205 Title: _____

PH Date: ___/___/___ Exec Session Date: 02/09/00

Motion: ITL Amendment #: _____

| MEMBER | YEAS | NAYS |
|---|---|---|
| Hess, David W, Chairman | 14 | |
| Patten, Betsey L, V Chairman | 1 | |
| Cote, Patricia L | | |
| Rice, Thomas E P | 2 | |
| Brundige, Robert W | 3 | |
| Sabella, Norma A | | |
| Griffin, Mary E | 4 | |
| Leone, Richard C, Clerk | 5 | |
| Noyes, Richard A | 6 | |
| Hager, Elizabeth S | | |
| Akins, Ralph L | | |
| Lovejoy, Marian E | | |
| Lockwood, Priscilla P | 7 | |
| Kelley, William J | 8 | |
| Fraser, Marilyn A | | |
| McGuirk, Paul A | 9 | |
| Salatiello, Thomas B | | |
| St Cyr, Gerard L | | |
| Sarette, John C | 10 | |
| Simon, Anthony F | 11 | |
| Zerba, Roger T | 12 | |
| Rosenfield, Jay | 13 | |
| TOTAL VOTE: | 14 | 0 |

Printed: 2/3/2000

# Committee Report

# COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 1205-LOCAL**

TITLE: relative to tax exemption for noise pollution control facilities.

DATE: February 9, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

**STATEMENT OF INTENT**
**(Include Committee Vote)**

While the sponsor's objectives in introducing this bill are laudable the public hearing raised a considerable number of issues and concerns. There is no general statewide definition, or even generally accepted criteria to determine what is, noise pollution. Furthermore, the bill would apply to anything, which only "partly" is intended to or does in fact reduce noise pollution. This could include planting trees, installing insulation in walls, or even the mere erection of an enclosing structure. Finally, there was no way to determine the administrative costs of this legislation or the impact it would have on other local property tax payers.

Vote 14-0.

Rep. David W. Hess
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

USE ANOTHER REPORT FOR MINORITY REPORT

CONSENT CALENDAR

Municipal and County Government

**HB 1205-LOCAL,** relative to tax exemption for noise pollution control facilities. INEXPEDIENT TO LEGISLATE

Rep. David W. Hess for Municipal and County Government: While the sponsor's objectives in introducing this bill are laudable the public hearing raised a considerable number of issues and concerns. There is no general statewide definition, or even generally accepted criteria to determine what is, noise pollution. Furthermore, the bill would apply to anything, which only "partly" is intended to or does in fact reduce noise pollution. This could include planting trees, installing insulation in walls, or even the mere erection of an enclosing structure. Finally, there was no way to determine the administrative costs of this legislation or the impact it would have on other local property tax payers. Vote 14-0.

# COMMITTEE REPORT

COMMITTEE: **Municipal and County Government**

BILL NUMBER: **HB 1205-LOCAL**

TITLE: relative to tax exemption for noise pollution control facilities.

DATE: February 9, 2000 CONSENT CALENDAR YES ☒ NO ☐

☐ OUGHT TO PASS

☐ OUGHT TO PASS WITH AMENDMENT

☒ INEXPEDIENT TO LEGISLATE

☐ RE-REFER

☐ REFER TO COMMITTEE FOR INTERIM STUDY
(Available only in second year of biennium.)

**STATEMENT OF INTENT**
**(Include Committee Vote)**

While the sponsor's objectives in introducing this bill are laudable the public hearing raised a considerable number of issues and concerns. There is no general statewide definition, or even generally accepted criteria to determine what is noise pollution. Furthermore, the bill would apply to anything which only "partly" is intended to or does in fact reduce noise pollution. This could include planting trees, installing insulation in walls, or even the ~~pure~~ erection of an enclosing structure. Finally, there was no way to determine the administrative costs of this legislation or the impact it would have on other local property tax payers.

MERE

Vote 14-0.

Rep. David W. Hess
FOR THE COMMITTEE

Original: House Clerk
cc: Committee Bill file

OK

USE ANOTHER REPORT FOR MINORITY REPORT

HB 1205

While the sponsor's objectives in introducing this bill are laudable the public hearing raised a considerable number of issues & concerns. ~~Rep is no~~ There is no general statewide definition or even generally accepted criteria to determine what is ~~excessive noise~~ noise pollution. Furthermore, the bill would apply to anything which only "partly" is intended to or does in fact reduce noise pollution. This could include planting trees, installing insulation in walls, or even the new erection of an enclosing structure. Finally, there was no way to determine the administrative costs of this legislation or the impact it would have on other local property tax-payers

Rep Davidson