

# LEGISLATIVE BULLETIN

## Something for Everyone

As a non-budget year without many contentious, high-profile issues, the 2016 legislative session may not be one of the most memorable. Still, 330 bills were signed into law—almost exactly equal to the annual average for the last ten years. About a quarter of those bills will directly affect municipalities, and they contain a little bit of everything. Consequently, almost all municipal officials will have new laws to deal with, for better or worse.

Two of the bills that got the most attention this year—extending the expanded Medicaid program for two years and establishing an opioid crisis grant program—will affect local budgets and the services municipalities provide. Other, less publicized, legislation will affect almost every aspect of local government.

A few examples: A new law, effective next June, requires all municipalities to allow the development of accessory dwelling units. Another, already effective, requires that agritourism uses be permitted as accessory to agricultural uses. Municipalities will now have the option to extend the veterans' property tax credit to veterans who never served in a war or qualifying conflict. The valuation of telephone poles for property tax purposes is subject to a new formula. Municipal records that are required to be kept for more than ten years may now be stored electronically. There are numerous changes to the Right-to-Know Law, and a slew of election law changes, albeit mostly minor ones. Funding for the police academy has been completely restructured. And in some good financial news in a non-budget year, the legislature managed to find a little extra money for bridge aid and local wastewater projects.

Among the bills enacted were three NHMA policy bills, all mentioned above—**chapter 226**, regarding long-term storage of records; **chapter 280**, allowing public bodies to discuss legal advice in non-public session; and **chapter 319**, providing funding for certain wastewater projects—as well as many others that NHMA supported. Although there are a few new laws that some municipalities are concerned about—accessory dwelling units, valuation of telephone poles—we were able in all cases to negotiate changes to make them more palatable.

Final Bulletin, 2016 Session  
July 29, 2016

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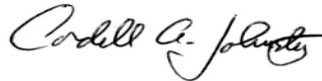
This *Final Legislative Bulletin* summarizes all of these new laws and many more. Because these are summaries, please understand that in most cases they do not cover every detail of the new law. Each summary is linked to the full text of the law, so be sure to read the full law carefully and/or contact us, or your municipality's legal counsel, to make sure you understand it.

As always, we thank the many local officials who called or wrote to their legislators, testified at hearings, and offered their expertise to NHMA staff in support of our efforts this year. We also thank those legislators who consistently put the interests of their cities and towns, and their taxpayers, ahead of well funded special interest groups. Finally, we thank the rest of the very small NHMA staff for everything they do to support our legislative activities.

We wish everyone a pleasant summer and fall. Please do not hesitate to contact us if you have questions or suggestions.



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## **I. CLERKS; ELECTIONS; TOWN MEETING; OFFICIAL BALLOT; CHARTERS**

***Selectmen Pro Tem for Election Duties.*** [Chapter 3](#) (HB 331) allows a selectman to appoint a selectman pro tem to perform the selectman's duties at any state election if he or she is absent or unable to perform those duties. If a selectman is absent and has failed to appoint a selectman pro tem, the moderator is authorized to do so. **Effective date [hereinafter "E.D.,"] March 26, 2016.**

***Extended Period to Petition for Checklist Verification.*** [Chapter 5](#) (HB 502) extends, from the fifth Friday after an election to the eighth Friday after the election, the period during which 50 voters or 5 percent of the registered voters in a town or ward may petition for an investigation of whether there should be a revision and verification of the checklist. **E.D. April 23, 2016.**

***No Axle Limit for Antique Trailers.*** [Chapter 16](#) (HB 1438) eliminates the requirement that a trailer have only one axle to qualify for antique trailer plates. **E.D. June 14, 2016.**

***Disqualification of Election Officials.*** [Chapter 62](#) (HB 1220) repeals the provisions of existing law (RSA 658:24) that state that an election official who is disqualified from performing election duties because his or her name is on the ballot shall be considered to be absent from the office, rather than to have vacated it, and that require the appointment of a temporary replacement for the official. **E.D. July 4, 2016.**

***Changing Voter's Address on Election Day.*** [Chapter 82](#) (HB 1223) makes a minor technical change to the law governing a ballot clerk's correction of a voter's address on the checklist on election day. **E.D. July 18, 2016.**

***Disabled Voter May Vote by Absentee Ballot.*** [Chapter 88](#) (HB 1378) allows a voter to vote by absentee ballot, delivered to the voter outside the guardrail, if the voter appears at the polling place in person on election day and is unable to gain access to the polling place due to physical disability. All procedures for voting by absentee ballot will apply, except that the voter will be treated on the marked checklist as having voted in person. **E.D. July 18, 2016.**

***Registration Permit Fees for Agricultural/Industrial Utility Vehicles.*** [Chapter 93](#) (HB 1655) establishes the municipal registration permit fee for an agricultural/industrial utility vehicle (as defined in RSA 259:2-a) at \$5. **E.D. January 1, 2017.**

***Agricultural Plates for Commercial Fishing Vehicles.*** [Chapter 97](#) (SB 356) allows a truck, truck-tractor, tractor, or cargo van to qualify for agricultural registration rates and number plates if it is used exclusively in support of commercial fishing operations, is driven only within a 10-mile radius of the docking area for the fishing boats it is supporting, and is used only for the transportation of commercial fishing products or in support of the fishing boats and transportation of the crew. **E.D. January 1, 2017.**

***Notice of Village District Elections.*** [Chapter 116](#) (HB 1467) requires village district commissioners to give the supervisors of the checklist 60 days' notice of any village district election. **E.D. July 19, 2016.**

***Farm Tractor Plates for Specialized Vehicles.*** [Chapter 129](#) (HB 466) authorizes the issuance of farm tractor plates for certain specialized vehicles such as a backhoe, bulldozer, excavator, grader, or loader, provided such vehicles are used exclusively for agricultural and farming purposes. **E.D. July 26, 2016.**

***Absentee Ballot for Employment Obligation.*** [Chapter 130](#) (HB 659) modifies what qualifies as an “employment obligation” allowing a voter to vote by absentee ballot. It deletes the condition that the person be required to remain physically at work or in transit to or from work during the entire period the polls are open. The new law allows absentee voting if the voter is simply “unable to appear” at the polling place “because of an employment obligation.” It also defines “employment” to include the care of children and infirm adults, with or without compensation. **E.D. May 27, 2016.**

***Supervisors May Designate Day to Correct Checklist for State Elections.*** [Chapter 174](#) (HB 1468) allows the supervisors of the checklist to designate a day and time, six to thirteen days before a *state* election, for the session to correct the checklist under RSA 654:27 and :28, rather than requiring that the session be held at 11:00 a.m. on the Saturday ten days before the election. It also provides that whenever more than one session would be required within a 21-day period, the first required meeting may serve to fulfill the requirements of the remaining meetings. The new law does not change the requirement under RSA 669:5 that the supervisors hold a session on a Saturday six to 13 days before a *town* meeting or election. **E.D. August 2, 2016.**

***Active National Guard Members May Vote by Absentee Ballot.*** [Chapter 183](#) (SB 418) includes an active member of the National Guard within the definition of “absent uniformed services voter,” thus allowing the member to vote by absentee ballot in the municipality where he or she was domiciled immediately prior to service. **E.D. August 2, 2016.**

***Seventeen-Year-Olds’ Right to Register.*** [Chapter 185](#) (SB 423) clarifies that a person may register to vote if he or she will be at least 18 years old “on the day of the *next* election.” “Election” includes any city or town election, state primary or general election, or presidential primary. **E.D. August 2, 2016.**

***Change to Voter Registration Form; Voter Identity Verification.*** [Chapter 190](#) (SB 509) makes certain additions and deletions to the voter registration form. It also provides that the Secretary of State will prepare a list of voters who have voted by signing a challenged voter affidavit rather than by presenting a photo identification, and who have not subsequently responded to letters of identity verification, and will “revise the list based on input solicited from the supervisors of the checklist” before forwarding the list to the Attorney General for investigation. **E.D. August 2, 2016.**

***Changes to Charter Amendment Procedure.*** [Chapter 224](#) (HB 1293) makes several changes to the procedure for amending a municipal charter. Among other things, it clarifies the processes for amendments submitted by the municipal officers and those submitted by citizen petition; reduces the number of signatures required on a citizen petition to place an amendment on the ballot; prohibits substantive changes to a petitioned amendment after the required public hearing; and eliminates the requirement that a proposed amendment be accompanied by a legal opinion as to its compliance with state law. **E.D. August 8, 2016.**

***Notice of Sessions for Checklist Correction/Verification.*** [Chapter 259](#) (HB 1144) makes three changes regarding notice for sessions of the supervisors of the checklist. First, for sessions to correct the checklist prior to a state election, notice must be posted in two appropriate places *or* published in a newspaper of general circulation. (Prior law required posting at the clerk’s office or town/city hall *and* newspaper publication.) Second, in the event the ballot law

commission orders a revision and verification of the checklist in response to a voter petition, notice of the sessions to revise the checklist must be posted in two appropriate places *and* published at least twice in a newspaper of general circulation. (Prior law required newspaper publication only.) Third, for the required decennial checklist verification sessions (the next one to occur in 2021), notice must be posted in two appropriate places and published at least twice in a newspaper of general circulation. (Prior law required posting at the clerk’s office or town hall and newspaper publication.) In each case, one of the “two appropriate places” shall be the municipality’s website if there is one. **E.D. June 15, 2016.**

***State to Notify Clerk of Death of Voter.*** [Chapter 270 \(SB 458\)](#) requires the state registrar to notify the city or town clerk of the death of any voter in the municipality, and requires the clerk to notify the supervisors of the checklist, who will remove the voter’s name from the checklist in accordance with existing procedures. **E.D. July 1, 2017.**

***Receipt of Absentee Ballots; Processing Absentee Registrations.*** [Chapter 317 \(HB 1377\)](#) provides that completed absentee ballots must be delivered to the town, city, or ward clerk no later than 5:00 p.m. on the day of the election. It also clarifies the process when a prospective voter returns the documents required for an absentee registration under RSA 657:16. **E.D. August 23, 2016.**

***Prohibition on Clothing Intended to Influence Voters.*** [Chapter 320 \(HB 1503\)](#) prohibits the wearing at a polling place of any pin, sticker, or article of clothing that is intended to influence the action of any voter within the building where the election is being held. **E.D. June 24, 2016.**

## **II. INTERGOVERNMENTAL RELATIONS; RETIREMENT; STATE BUDGET**

***State GIS Committee.*** [Chapter 73 \(HB 377\)](#) establishes a state geographic information system (GIS) committee to “review the use, development, and coordination of geospatial data and resources by state agencies and municipal governments and . . . consider the need for central coordination, storage, and distribution of such data and resources, and suggest an appropriate response.” The committee is also directed to “consider GIS activities at public and semi-public agencies and identify avenues where legislation may further efficiencies through enhanced cooperation.” The committee includes a municipal GIS manager appointed by NHMA. **E.D. May 19, 2016.**

***Municipality May Make Contributions to County or State.*** [Chapter 79 \(HB 1164\)](#) authorizes a city, by approval of the city council, or a town by vote of the legislative body, to voluntarily contribute funds, services, property, or other resources toward any county or state project, program or plan. Contributions are subject to annual renewal in a city, and subject to the requirements of RSA 32 in a town. **E.D. July 18, 2016.**

***New Hampshire Retirement System Penalty.*** [Chapter 110 \(HB 1352\)](#) clarifies that elected officials in either group I or group II within the New Hampshire Retirement System (NHRS) are exempt from the monthly reporting requirements regarding NHRS retirees serving in part-time positions. The new law also requires the NHRS to notify the employer prior to assessing a penalty for non-compliance with data reporting requirements regarding retirees serving in part-time positions. **E.D. July 19, 2016.**



*(Section II — Continued)*

***Procurement Card Rebates.*** [Chapter 127](#) (SB 524) repeals the provision enacted under Chapter 253, Laws of 2015, that authorized a portion of state credit card rebates to be used to reduce the New Hampshire Retirement System unfunded liability. **E.D. May 20, 2016.**

***Road Toll Exemption.*** [Chapter 189](#) (SB 494) limits the federal government’s exemption from the state road toll (gas tax) to sales for the use of the armed forces only, rather than all U.S. government agencies, instrumentalities, diplomatic or consular personnel. **E.D. January 1, 2017.**

***New Hampshire Retirement System Optional Allowance Election.*** [Chapter 292](#) (SB 129) allows a retired member of the New Hampshire Retirement System to change an optional allowance election to a non-spouse beneficiary or terminate an elected option in accordance with the terms of a final divorce decree or settlement agreement. **E.D. August 20, 2016.**

### **III. MUNICIPAL ADMINISTRATION AND FINANCE MANAGEMENT; LEGAL MATTERS; ECONOMIC DEVELOPMENT; MANDATES; RIGHT TO KNOW LAW; LABOR**

***Mixed-Use Development Qualifies as Business and Industrial Facility.*** [Chapter 25](#) (HB 1315) adds properties that are suitable for mixed-use development to the definition of “business and industrial facility” under RSA 162-G, governing the municipal acquisition and development of such facilities. **E.D. June 24, 2016.**

***Content of Non-Public Minutes.*** [Chapter 29](#) (HB 1418) clarifies that minutes of a non-public session of a public body under the Right-to-Know Law must include the same information that would be included in minutes of a public session. **E.D. January 1, 2017.**

***Individual Votes in Non-Public Session Must Be Ascertainable.*** [Chapter 30](#) (HB 1419) requires the minutes of a non-public session of a public body under the Right-to-Know Law to record all actions taken “in such a manner that the vote of each member is ascertained and recorded.” **E.D. January 1, 2017.**

***Sharing of Functions by Municipalities and School Districts.*** [Chapter 46](#) (SB 328) clarifies that one or more municipalities and one or more school districts or school administrative units may enter into an inter-municipal agreement under RSA 53-A to share financial, human resources, information technology, and other managerial and administrative functions. **E.D. July 2, 2016.**

***Public Employee May Not Use Government Equipment for Electioneering.*** [Chapter 176](#) (HB 1624) prohibits any public employee from using government “property or equipment” for electioneering. “Electioneering” is defined as acting in any way specifically designed to influence the vote of a voter on any question or office. Previous law applied the prohibition to use of government “property,” but did not specifically mention “equipment.” **E.D. January 1, 2017.**

***Sampling Beer and Wine at Farmers’ Markets.*** [Chapter 179](#) (SB 306) allows wine manufacturers, beverage manufacturers, nano breweries, and brew pubs to provide samples for tasting at a farmers’ market if they have received written authorization from the municipality’s governing body. **E.D. August 2, 2016.**

***No Retaliation Against Employee Requesting Flexible Schedule.*** [Chapter 182](#) (SB 416) prohibits any employer from retaliating against an employee solely because the employee requests a flexible work schedule. The law does not require the employer to accommodate the request; it merely prohibits retaliation for the making of the request. **E.D. September 1, 2016.**

***Long-Term Storage of Electronic Records.*** [Chapter 226](#) (HB 1395) allows a municipality to retain records with a retention requirement of over 10 years in portable document format/archive (PDF/A), as an alternative to storing them on paper or microfilm, provided they are stored on a medium from which they are readily retrievable. **E.D. August 8, 2016. NHMA POLICY.**

***Legal Advice May Be Discussed in Non-Public Session.*** [Chapter 280](#) (HB 285) allows a public body to enter non-public session to consider advice received from legal counsel, either orally in writing, even if legal counsel is not present. **E.D. June 21, 2016. NHMA POLICY.**

***No Charge Allowed for Records Not Copied.*** [Chapter 283](#) (HB 606) clarifies that a public body or agency may not charge a fee under the Right-to-Know Law for the inspection or delivery, without copying, of governmental records, whether in paper, electronic, or other form. **E.D. June 21, 2016.**

***Regulation of Transportation Network Companies.*** [Chapter 290](#) (HB 1697) establishes a state-level process for regulating “transportation network companies” (TNCs), defined as an entity that “uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides.” A TNC must obtain a permit from the Department of Safety, and TNC drivers are subject to certain requirements, including insurance coverage and criminal background checks. The new law completely preempts municipal regulation of TNCs and their drivers. **E.D. June 21, 2016.**

#### **IV. PLANNING AND ZONING**

***Municipalities Must Permit Accessory Dwelling Units.*** [Chapter 6](#) (SB 146) requires any municipality that has a zoning ordinance to allow accessory dwelling units (ADUs), either as a matter of right or by special exception or conditional use permit, in any zoning district where single-family dwellings are allowed. The new law allows municipalities to impose certain conditions on ADUs, but states that if the zoning ordinance does not address ADUs, one ADU will be permitted for any single-family dwelling as a matter of right and without any permits or conditions, other than a building permit if one is required. The law also prohibits municipalities from imposing certain other conditions, such as requiring a familial relationship between the owner of the principal dwelling and the occupants of the ADU, limiting size to under 750 square feet, or limiting ADUs to one bedroom or less. **E.D. June 1, 2017.**

***More Time for Planning Board to Process Applications.*** [Chapter 81](#) (HB 1202) requires that an application submitted to a planning board be filed at least 21 days before the meeting at which the application will be accepted. Prior law required that the application be filed at least 15 days before the meeting. **E.D. July 18, 2016.**

***Re-Establishment of Abandoned Agricultural Uses.*** [Chapter 86](#) (HB 1292) provides that any re-establishment after abandonment of an agricultural operation involving the keeping of livestock, poultry, or other animals, or of a farm stand, retail operation, or other use involving on-site transactions with the public, may be made subject to application local land use board approvals. Previous law used the word “disuse” rather than “abandonment.” **E.D. July 18, 2016.**

***Notice of Traffic and Directional Signs on Scenic Byways.*** [Chapter 120](#) (SB 362) requires the Department of Transportation to file with a town’s planning board a plan for any new traffic or directional sign to be placed on a scenic or cultural byway within the town. The planning board may hold a public hearing and suggest changes to the plan, but the department has no obligation to comply with the suggestions. **E.D. July 19, 2016.**

***Agritourism Must Be Permitted Where Agriculture Is Permitted.*** [Chapter 267](#) (SB 345) provides that municipal planning and zoning regulations may not unreasonably limit “agritourism” and may not prohibit agritourism on any property where the primary use is for agriculture. Agritourism is defined as “attracting visitors to a farm to attend events and activities that are accessory uses to the primary farm operation, including, but not limited to, eating a meal, making overnight stays, enjoyment of the farm environment, education about farm operations, or active participation in the activity of the farm.” The establishment or expansion of agritourism activities may be made subject to applicable special exception, building permit, or other local land use board approvals. **E.D. June 16, 2016.**

***Committee to Study Effect of Short-Term Rentals.*** [Chapter 271](#) (SB 482) establishes a committee to study the effect of short-term rentals on municipalities. The committee is specifically directed to solicit information from appropriate municipal officials regarding effects on their municipalities, solicit input from real estate professionals with regard to possible regulation, review steps taken in other states, and seek advice from “other appropriate entities,” including NHMA. The committee is to report its findings and any recommendations for proposed legislation by November 1, 2016. **E.D. June 16, 2016.**

***Voluntary and Involuntary Lot Mergers.*** [Chapter 327](#) (SB 411) provides that a voluntary merger of lots under RSA 674:39-a may not be approved without the written consent of each holder of a mortgage on any of the lots, or if it would create a violation of ordinances or regulations. It also extends to December 31, 2021, the deadline for requesting a restoration of involuntarily merged lots under RSA 674:39-aa. Previously the deadline was December 31, 2016. **E.D. August 23, 2016.**

## **V. ENVIRONMENTAL REGULATION AND PROTECTION; SOLID/HAZARDOUS WASTE**

***Emission Levels for Municipal Waste Combustion Units.*** [Chapter 100](#) (SB 377) lowers the levels of permissible emissions for several air contaminants from municipal waste combustors with a design capacity of at least 35 tons per day but no more than 250 tons per day of municipal solid waste. **E.D. July 18, 2016.**

***Exemption from C&D Combustion Ban.*** [Chapter 319](#) (HB 1428), section 18, expands the exemption for municipal waste combustors from the ban on burning the wood component of construction and demolition debris. Previous law allowed only the “incidental” combustion of such materials by a municipal waste combustor. The new law allows the combustion of up to 10,000 tons per year of wood residue at a municipal waste combustor (defined in RSA 125-M:2, XI) from November 15 through April 15, subject to compliance with EPA and state DES regulations. The law continues to allow incidental combustion by a municipal *incinerator* (defined in RSA 149-M:42, IV) and incidental combustion at a municipal transfer station under the supervision of a solid waste facility operator. **E.D. August 23, 2016.** See also sections VI, VII.

## VI. PUBLIC SAFETY; POLICE; FIRE; BUILDING/HEALTH INSPECTION

***Use of License Plate Scanning Devices Authorized and Regulated.*** [Chapter 78](#) (HB 1154) authorizes law enforcement officers to use license plate scanning devices for certain limited purposes, such as identifying stolen vehicles and vehicles associated with missing persons or suspected criminal activity. The devices must be registered with the Department of Safety and are subject to other regulations. **E.D. July 18, 2016.**

***Law Enforcement Agencies Must File Reports with State.*** [Chapter 103](#) (SB 475) requires law enforcement agencies to submit crime reports to the Department of Safety, Division of State Police, based on the specifications prescribed by the FBI’s Uniform Crime Reporting Program. Each report is to be a compilation of the number of offenses and arrests on crimes occurring within the jurisdiction, submitted as specified by the FBI’s National Incident Based Reporting System (NIBRS). A law enforcement agency that does not have a records management system with NIBRS reporting capability is to be provided the means to report by the Division of State Police. **E.D. July 18, 2016.**

***Regulation of EMS Providers.*** [Chapter 149](#) (HB 1594) makes various changes in the laws regarding emergency medical services, including requiring criminal history record checks for provider licensure and relicensure and establishing a penalty for false reports concerning investigations. **E.D. January 1, 2017.**

***Reorganization of Traffic Safety Commission.*** [Chapter 164](#) (HB 1161) reorganizes the existing state traffic safety commission. The commission, which acts in an advisory capacity to the Commissioner of Safety, will include a representative from NHMA. **E.D. August 2, 2016.**

***Notice of Recording During Traffic Stop Required Only if Practicable.*** [Chapter 169](#) (HB 1353) requires a police officer making a routine traffic stop to notify a person that his or her communications are being recorded only if it is reasonable and practicable to give such notice under the circumstances. **E.D. June 3, 2016.**

***Statewide Drug Offender Grant Program.*** [Chapter 264](#) (SB 464) establishes a statewide drug offender grant program, which will provide matching funds to support drug courts or alternative drug offender programs in state superior court districts. It appropriates approximately \$2 million for the 2017 fiscal year to fund the program. Beginning in fiscal year 2018, the program will continue only as long as it is funded through appropriations in the state operating budget. **E.D. June 15, 2016.**

***Opioid Crisis Grant Program.*** [Chapter 277](#) (HB 1000) establishes a substance abuse enforcement program to make grants to county and local law enforcement agencies and to provide funding for the state police. The grants will be subject to conditions established by the Commissioner of Safety, which will be “based on the principles of intelligence-driven, problem-oriented policing, using statistics and information to place additional police patrol and investigative presence at the locations, times, and places where there ha[s] been a significant convergence of motor vehicle crashes, crimes, and drug use, or in corridors known to be used by drug dealers for shipments of illegal drugs into the state.” Funds under the program may not be used to supplant locally budgeted and approved funds for routine law enforcement. The sum of \$1.5 million is appropriated to fund the program for the 2017 fiscal year. **E.D. June 17, 2016.**

***State Fire Code Updated.*** [Chapter 282](#) (HB 427) amends the definition of the state fire code to adopt by reference the 2015 edition of the Life Safety Code. The previous definition was based on the 2009 edition. The law also establishes a committee to study the 2015 edition of the Uniform Fire Code NFPA1. **E.D. June 30, 2016.**

***Regulation of Transportation Network Companies.*** [Chapter 290](#) (HB 1697) establishes a state-level process for regulating “transportation network companies” (TNCs), defined as an entity that “uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides.” A TNC must obtain a permit from the Department of Safety, and TNC drivers are subject to certain requirements, including insurance coverage and criminal background checks. The new law completely preempts municipal regulation of TNCs and their drivers. **E.D. June 21, 2016.**

***Survivor Benefits.*** [Chapter 298](#) (SB 319) adds definitions of “adult child” and “dependent child” for purposes of determining survivor benefits for families of police officers and firefighters killed in the line of duty and extends the time period to determine whether a death benefit is awarded. **E.D. June 21, 2016.**

***Commission to Study OHRV Use and Allocation of Law Enforcement Resources.*** [Chapter 318](#) (HB 1396) establishes a commission to study OHRV (off-highway recreational vehicle) usage and the allocation of law enforcement and emergency response resources and responsibilities regarding OHRV usage. The commission, which includes a representative of NHMA, is to report its findings and any recommendations for proposed legislation by December 15, 2016. **E.D. June 24, 2016.**

***Police Academy Funding.*** [Chapter 319](#) (HB 1428), sections 4 through 10, amends the process for funding the Police Standards and Training Council (PSTC), which includes funding for the police academy, by depositing all penalty assessment fees (previously used to fund the PSTC) into the state general fund and separately appropriating \$3,557,141 to the PSTC to cover anticipated expenditures through June 30, 2017. Section 13 appropriates \$400,000 for the purpose of replacing the roof at the tactical center. **E.D. July 1, 2016, for sections 5 through 10 and June 24, 2016, for sections 4 and 13. See also sections V, VII.**

***Regulation of Body-Worn Cameras Used by Police Officers.*** [Chapter 322](#) (HB 1584) establishes regulations for the use of body-worn cameras (BWCs) by police officers. No law enforcement agency is required to use BWCs, but if it chooses to do so, the agency and its officers must comply with the new law. Among other things, the law establishes requirements as to when BWCs may be used and when they should be activated, requires that an individual be informed as soon as practicable that he or she is being recorded, and gives individuals the right not to be recorded in certain circumstances. It establishes requirements for the storage of BWC recordings and exempts the recordings from disclosure under the Right-to-Know Law except in certain circumstances. **E.D. January 1, 2017.**

***Changes to Forfeiture Law.*** [Chapter 329](#) (SB 522) makes several changes to the law regarding forfeiture of property connected to criminal activity. Among other things, the new law requires a criminal conviction before property is subject to forfeiture, provides that property may be forfeited only if the state establishes by clear and convincing evidence that it is forfeitable, and gives a person claiming to be an innocent owner of seized property the right to petition the court for return of the property. **E.D. January 1, 2017.**

## **VII. PUBLIC WORKS; WATER & SEWER; ROADS AND HIGHWAYS; AIRPORTS; RAILS**

***Drinking Water and Ground Water Trust Fund.*** [Chapter 11](#) (SB 380) establishes a trust fund to provide for the protection, preservation, and enhancement of the drinking water and groundwater resources of the state. Authorized expenditures from the fund include, among other purposes, cost-sharing grants to municipalities and municipally owned water utilities. The bill also establishes an advisory commission, which includes a municipal official representing municipalities with public water systems, to consult with and advise the Department of Environmental Services on the administration and management of the trust fund. **E.D. March 31, 2016.**

***Housing Authority Agreements for Parking Facilities.*** [Chapter 21](#) (HB 295) corrects cross-references in the statute that authorizes municipalities and municipal housing authorities to enter into agreements for the construction of parking facilities. **E.D. April 25, 2016.**

***Funding Electric Vehicle Charging Stations.*** [Chapter 99](#) (SB 359) authorizes the use of municipal transportation improvement funds to install electric vehicle charging stations. **E.D. July 18, 2016.**

***Changes to Winnepesaukee River Basin Control Program.*** [Chapter 125](#) (SB 461) authorizes the Department of Environmental Services, with the approval of the Governor and Council, to evaluate the most cost-effective operation of facilities within the Winnepesaukee River Basin Control Program, including evaluating the cost-effectiveness of alternative governance structures for the program. The department is not authorized to make any changes to the governance structure, but it may present recommendations to the legislature for consideration. **E.D. July 19, 2016.**

**Complete Streets Study Committee.** [Chapter 242](#) (SB 364) establishes a committee to study the feasibility of a complete streets program. The study is to be performed “in conjunction with municipalities and the Department of Transportation,” and the committee is to report its findings and any recommendations for proposed legislation by November 1, 2016. **E.D. June 10, 2016.**

**Operation of Compact Utility Tractors.** [Chapter 260](#) (HB 1430) defines “compact utility tractors” and establishes requirements for their operation on public ways. **E.D. July 1, 2017.**

**Municipality to Receive Share of Fines for Disability Parking Violations.** [Chapter 304](#) (SB 471) modifies the requirements for walking disability placards and for parking for persons with disabilities. It also provides that 20 percent of any fine for violating the law relative to parking in spaces designated for persons with disabilities shall be payable to the municipality where the violation occurs. **E.D. January 1, 2017.**

**State Aid Grants for Wastewater Facilities.** [Chapter 319](#) (HB 1428), sections 1 through 3, initiates funding of \$825,933 for eight wastewater treatment projects on the Department of Environmental Services’ (DES) delayed and deferred list from surplus funds available in the state revolving loan fund management account. Grant payments are to commence within 45 days after the Environmental Protection Agency’s approval of an updated intended use plan submitted by DES. **E.D. July 1, 2016. NHMA POLICY. See also sections V, VI.**

**State Bridge Aid.** [Chapter 324](#) (HB 2016), which authorizes the state’s 10-year transportation improvement plan for 2017-2026, also appropriates to the state bridge aid program \$2,500,000 from unexpended fiscal year 2016 winter maintenance funds at the Department of Transportation. **E.D. July 1, 2016.**

## **VIII. TAXES; ASSESSING AND COLLECTIONS; EXEMPTIONS; CURRENT USE**

**Penalty for Repurchase of Tax-Deeded Property.** [Chapter 37](#) (HB 1219) lowers the penalty for the repurchase of tax-deeded property from 15 percent to 10 percent of the assessed value of the property as of the date of the tax deed. The bill also eliminates the penalty in cases where the former owner is repurchasing his or her principal residence. **E.D. July 2, 2016.**

**Repeal of Commissioner’s Report.** [Chapter 85](#) (HB 1289) repeals RSA 76:9, which required the commissioner of the Department of Revenue Administration to report to the Governor, House Speaker, and Senate President by October 1 each year the amount of the education tax warrants to be issued for the succeeding year. **E.D. July 18, 2016.**

**Commission to Study Taxability of Lease Interests in Public Property.** [Chapter 157](#) (SB 442) establishes a commission to study the taxability of lease interests in public property, and specifically to determine whether the language in RSA 72:23 is sufficient to define property subject to taxation. The commission, which includes a representative of NHMA, is to report its findings and any recommendations for proposed legislation by December 1, 2016. **E.D. May 27, 2016.**

***Statutory Formula for Valuation of Telephone Poles and Conduits.*** [Chapter 208](#) (HB 1198) provides that the value, for property tax purposes, of wooden poles and conduits owned by telephone companies shall be the replacement cost new (RCN) of the pole or conduit, less depreciation calculated on a straight-line basis for a period of 40 years with a residual value of 20 percent. The Department of Revenue Administration (DRA) is required to provide to every municipality, on or before July 1 each year, a schedule of telecommunications pole and conduit RCN, using national published telecommunications standard cost data guides calculated annually using a 5-year rolling average. Telephone companies must file annually with DRA and with municipalities an inventory of poles and conduits owned in each municipality. **E.D. September 1, 2016.**

***All Veterans' Tax Credit.*** [Chapter 217](#) (HB 430) amends RSA 72 by establishing a local option "all veterans" tax credit that, if adopted by a municipality, would apply to all honorably discharged veterans who served not less than 90 days in active service. Under previous law, the veterans' tax credit was available only to those veterans who served during the qualifying wars or armed conflict periods listed in RSA 72:28, V. A municipality may adopt the all veterans' tax credit by following the procedures for adoption of other local option credits and exemptions outlined in RSA 72:27-a. The amount of the all veterans' credit will be the same as the standard or optional veterans' tax credit in effect in the municipality under RSA 72:28. **E.D. August 8, 2016.**

## **IX. WELFARE; EDUCATION; LIBRARIES; HUMAN SERVICES; HOUSING; CEMETERIES**

***Medicaid Expansion.*** [Chapter 13](#) (HB 1696) reauthorizes New Hampshire's expanded Medicaid program, known as the New Hampshire Health Protection Plan, for an additional two years, through December 2018. **E.D. April 5, 2016.**

***Housing Authority Agreements for Parking Facilities.*** [Chapter 21](#) (HB 295) corrects cross-references in the statute that authorizes municipalities and municipal housing authorities to enter into agreements for the construction of parking facilities. **E.D. April 25, 2016.**

***Alternate Cemetery Trustees.*** [Chapter 60](#) (HB 1181) allows a municipal governing body to appoint up to two alternate members of a cemetery board of trustees upon recommendation of the board. The alternate members will be appointed for one-year terms. **E.D. July 4, 2016.**

***Municipalities May Contract for Cemetery Space.*** [Chapter 64](#) (HB 1244) authorizes a municipality to enter into agreements with adjacent municipalities or nonprofit entities to provide cemetery space for the interment of deceased persons. **E.D. July 4, 2016.**

## **X. UTILITIES**

***Increased Cap for Net Metering.*** [Chapter 31](#) (HB 1116) increases to 100 megawatts (from 50 megawatts) the cap on the total rated generating capacity owned or operated by eligible customer-generators that is eligible for net energy metering under RSA 362-A:9. The 100-megawatt allowance is allocated among the state's electric distribution utilities in proportion to



their shares of the state's total energy demand. The new law also requires the Public Utilities Commission to initiate a proceeding to develop alternative net energy metering tariffs. **E.D. May 2, 2016.**

***Other Net Metering Changes.*** [Chapter 33 \(SB 378\)](#) requires the Public Utilities Commission to review group net metering agreements and provides that a net metering tariff will not be made available to a group host until it has been registered by the commission. It also provides that no person or entity may reserve capacity space in the net metering interconnection queue of more than 20 percent of the total net metering capacity assigned to a distribution utility, and requires each utility to publish on its website a weekly update of its total net metering allocation, its reserved net metering capacity, and its installed and operating net metering capacity. **E.D. May 2, 2016.**

## **XI. EDUCATION FUNDING**

***Calculation of Adequate Education Cost.*** [Chapter 8 \(SB 227\)](#) revises the amount of differentiated aid distributed to a pupil, makes various changes to the deadlines and types of data to be used by the department of education in the calculation of adequate education grants, revises the stabilization grant amounts distributed to certain municipalities, and repeals the provision relating to the use of differentiated aid. **E.D. March 16, 2016.**

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