

# LEGISLATIVE BULLETIN

## Welcome to the 2018 Legislative Bulletin!

Bulletin 01, 2018 Session  
December 20, 2017

It seems as if the 2017 legislative session just ended—or, actually, as if it never did end. Nevertheless, the 2018 session will begin in two weeks, and the *Legislative Bulletin* is here to help.

This first issue contains a partial list of the new bills that have been released, an update on some unfinished business from last year, and a preview of some of the big issues to come. The second issue of the *Legislative Bulletin* will be published between Christmas and New Year’s Day, and regular Friday publication will begin on January 5 and continue through the end of the legislative session. We will post the *Bulletin* on the [NHMA website](#) every Friday afternoon and send an electronic notice that it’s been posted to as many members as we can. ***We would love to reduce our photocopying and postage costs (ultimately paid by our members!), so if you are still receiving the Bulletin by U.S. mail and would prefer to get it electronically instead, please let us know.***

As required by the New Hampshire Constitution, the House and Senate will both convene on the Wednesday following the first Tuesday in January, which in 2018 is January 3. Over 700 bills have already been released, with more to come, and hearings will begin the week of January 7.

For a complete list of all bills that have been released, go to the legislative website ([www.gencourt.state.nh.us](http://www.gencourt.state.nh.us)), and on the State Legislation Dash Board, click on “Quick Bill Search.” Type 2018 in the “Session Year” field, leave all other fields blank, and click “Submit.” This will show not only the new bills, but all bills that were retained or re-referred in 2017 and are scheduled for floor action in January. The 2018 House bills start with number 1100. Any House bill number below that is a retained or re-referred 2017 bill. The 2018 Senate bills start with number 300; any number below that is a retained or re-referred 2017 bill.

The first few issues of the *Legislative Bulletin* will list *new* bills (not retained or re-referred bills) that affect municipal government. This first issue lists all bills that have been released as of yesterday. We will pick up where we left off in next week’s *Bulletin*.

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The [legislative website](#) is a tremendous resource, providing easy and quick access to information about committees, bills, session days, and hearings. Check the site and explore all the information available to you.

As always, if you have any questions, please do not hesitate to contact the Government Affairs staff at [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org) or 1-800-852-3358. We wish you the best for a happy holiday season.

## **The State Knows Best?**

Twenty eighteen looks to be a challenging year for municipal government—not that 2017 wasn’t—for several reasons, one of which is what might be called a creeping “state-ism” in Concord. There were, and are, numerous legislative efforts to give the state control over what have always been local functions.

Perhaps the most pernicious of these is legislation that strikes at the very heart of local government—the town meeting. Legislation in 2018 will seek to give state officials the sole authority to decide whether and when the ballot voting session of a town meeting should be postponed, notwithstanding that they have never had any authority or responsibility for any aspect of town meeting, including elections.

That is only the beginning. A retained bill from 2017 (discussed below) would have transferred authority for assessing utility property from local officials to the Department of Revenue Administration. That proposal is on hold for now, but it surely has not gone away. A 2018 bill would prohibit municipalities from granting paid leave to an employee; another would restrict municipalities’ authority to regulate activity on their own property. And there are a slew of bills trying to make compliance with the Right-to-Know Law more burdensome for local officials, even as the legislature is able to avoid the law with impunity.

Oddly, many of these initiatives come from people who claim to favor small, decentralized government and local control. It seems that some people support “local control” only when the result is to their liking. Fortunately, there are plenty of state legislators who truly do support local authority, and who have helped us defeat these and similar efforts in the past; but it is a constant struggle.

More than one local official has commented to us that they are just about ready to hand their keys over to the state and say, “Here, you run the town.” Rather than do that, we encourage you to remind your legislators that they were elected to run the state, not to micromanage cities and towns; ask them to leave local matters to local voters and local officials.

## **Retained and Re-Referred Bills**

As mentioned above, there are a number of bills held over from last year, either “retained” in the House or “re-referred” in the Senate. The process is the same in either case: in the body that held onto the bill, the responsible committee was required to meet and make a recommendation on the bill by November. The bill then goes to the House or Senate floor with that recommendation at the beginning of January.

This means the House and Senate will be acting on many retained and re-referred bills on January 3 (and January 4, as both chambers are planning to meet on Thursday as well). If the House passes a retained House bill, the bill will then go to the Senate for hearing later in the 2018 session. If the House passes a retained Senate bill, at that point it will have passed both chambers, so there will be no further hearing. It will simply go back to the Senate to concur or request a committee of conference. The same process applies to bills re-referred in the Senate. In short, if you are interested in a retained or re-referred bill and want to get your comments to legislators, you need to act *before January 3*, because that may be your last chance for input. Read on for information about a few retained and re-referred bills of major significance to municipalities.

### **“Working-After-Retirement” Bill Amended to Reduce Hours**

**HB 561**, relative to part-time employment of NH Retirement System (NHRS) retirees, which was re-referred in the Senate Executive Departments and Administration Committee, was amended in its entirety during an executive session of the committee in early December, with a 3 to 2 recommendation of Ought to Pass as Amended. The amendment incorporates several recommendations proposed by the NHRS Decennial Commission just two weeks before. As amended, the bill

- Changes the current limitation of 32 hours per week that an NHRS retiree can work for an NHRS participating employer to a total of 1,040 hours per year (an average of 20 hours per week);
- Requires employers to report the hours worked by an NHRS retiree annually for the calendar year rather than the current monthly reporting;
- Suspends the state annuity portion of the pension for a 12-month period for any retiree who exceeds the 1,040-hour calendar year limit;
- Establishes a 60-day waiting period from the effective date of retirement before an NHRS retiree can work in a part-time capacity for the same or another NHRS employer;
- Provides a “grandfather” provision for valid employment contracts in effect as of the effective date of the bill; and
- Sets an effective date of January 1, 2019, to provide time for employers and retirees to adjust to these changes.

**HB 561** is on the agenda for the January 3 session of the Senate. If passed by the Senate, the bill will go back to the House to either concur or request a committee of conference. Unfortunately, there will have been no opportunity for public input on the impact of these changes, which will especially affect small municipalities that rely on part-time workers and occasionally draw from an experienced retiree pool. What’s even more concerning is that the draft final report of the Decennial Commission specifically states that

***There is no actuarial impact [to NHRS] when a retiree fills a position that has always been part-time...There is a negative actuarial impact when full-time, covered positions are replaced with part-time positions, which leads to a reallocation of employer contribution costs in subsequent contribution rate cycles, although the actuary **did not identify a material impact of this practice in the 2015 experience study.***** (Emphasis added.)

Since there is no material impact to NHRS when employers hire retirees to fill part-time positions, the intent of the Commission's recommendations and the amendment to **HB 561** must primarily be to address the public perception problem of high-pension earners returning to work in high-paying public service positions. However, the broad approach proposed in **HB 561** may have unintended consequences on municipal operations, consequences that should be considered through a public hearing process. If the changes proposed in **HB 561** are of concern to your municipality, please contact your Senator *immediately* and urge him or her to vote against the committee recommendation of ought to pass on **HB 561** and allow the "working after retirement" proposal from the Decennial Commission to proceed, along with the Commission's other recommendations, in the normal legislative process that provides an opportunity for public input and understanding of the ramifications of such changes.

### **Amended Utility Valuation Bill Goes to House**

We spilled a lot of ink here last year on **HB 324**, the bill that would have transferred authority to appraise utility property for local tax purposes to the Department of Revenue Administration. Thanks to overwhelming opposition from local officials, the House Science, Technology & Energy Committee retained the bill last spring, rather than recommending it for passage. A subcommittee was appointed to study the bill; the subcommittee met seven times this fall and heard hours of testimony from municipal assessors, the utility industry, and DRA.

After much deliberation, the subcommittee recognized that no changes in this extremely complicated area should be undertaken lightly. However, several members still believed there is a problem that needs to be addressed. The subcommittee therefore recommended that the bill be amended to establish a study commission, and the full committee adopted that recommendation, 20-0.

The [amendment](#) would establish a commission comprising nine members: three legislators, one representative of utility companies, one representative of municipalities, one representative from DRA, one representative of assessing officials, one retired member of the judiciary, and one current or former public member of the Assessing Standards Board. The commission would study issues related to utility valuation and recommend any needed legislative changes by September 15, 2018. This means any legislative changes would not occur until the 2019 session, at the earliest.

The amendment also contains a moratorium on changes to utility assessing methodologies by municipalities. It states that until April 1, 2021, "assessing officials of municipalities . . . shall continue to use the utility property valuation method for local property taxation within their respective municipalities that was in effect on the effective date of this section," and "[n]o changes to the method for determining the appraised value of utility property shall be implemented without legislative authorization."

The committee's unanimous recommendation of Ought to Pass with Amendment will be on the consent calendar when the House meets on January 3. We believe creation of a study commission is a reasonable compromise, and we commend the subcommittee and the full committee for their hard work. We do have concerns about a moratorium on municipalities' ability to change their assessing methodology—especially a moratorium that lasts four years. Given the procedural status, we do not plan to raise that issue before the full House, but we will raise it when the bill gets to the Senate.

Assuming the House passes the bill, it will proceed to the Senate, where it will be assigned to a committee and have a hearing sometime in early 2018. We know there are many who would like to skip the study commission and just pass **HB 324** as introduced—a wholly unacceptable option—so we will follow it closely and keep you posted throughout the session.

## Local Option Transportation Improvement Fee

On Wednesday, January 3, the Senate will vote on **HB 121**, an **NHMA policy bill** that proposes to increase the maximum amount of the local option transportation improvement fee from \$5 to \$10. This fee raises money to pay for local or regional transportation systems, including roads, bridges, sidewalks, bicycle and pedestrian facilities, parking and intermodal facilities, and public transportation. Both the amount of the annual fee (up to the maximum allowed by statute) and the purposes for which the money may be expended are determined by the local legislative body (town meeting, town/city council, or board of mayor and aldermen) and appropriated through the local budget process to address specific transportation needs of the community from which the money is raised. The maximum amount of this local option fee has been \$5 ever since it was first enacted 20 years ago, and any increase in the fee due to passage of **HB 121** will need local legislative body approval.

Some legislators have opposed the bill because they did not want to support a “tax increase,” but this bill does not increase anyone’s taxes. It allows the *municipality* to increase a fee by vote of the legislative body, which in most cases means the voters themselves. These are the same voters who decide whether to increase or decrease their own property taxes; it is unclear why they shouldn’t have the same option with respect to a small user fee.

The Senate Public and Municipal Affairs Committee recommended Ought to Pass on **HB 121** by a vote of 3 to 2. All municipalities currently assessing this fee, and all those that may want to consider assessing this fee in the future to help fund transportation infrastructure projects, are encouraged to contact your senators before January 3 to urge their support of local control by passing **HB 121**.

## Ambient Groundwater Quality Standards

On January 3, the House is scheduled to vote on **HB 485**, dealing with air pollution impacts on soil and water, and ambient groundwater quality standards. After passing the House last session, **HB 485** was referred to the House Finance Committee for review of financial implications, and was retained by that committee. Based on concerns from the Department of Environmental Services (DES) that the bill could cost public water systems over \$20 million for compliance, the Finance Committee has recommended amending the bill in its entirety, with the most significant change being to the provision regarding standards for ambient groundwater quality in RSA 485-C:6.

As amended, **HB 485** would authorize (not require) DES to adopt standards more stringent than federal maximum contaminant levels or health advisories when the DES commissioner determines federal standards are insufficient for the protection of human health. The amendment also requires that health advisories adopted as ambient groundwater quality standards be reviewed at least



every 5 years to determine whether new research warrants revising the standard. Any revision to the standard must be conducted under the rulemaking requirements of RSA 541-A (including RSA 541-A:25, which prohibits enactment or modification of a rule that necessitates increased costs to political subdivisions without funding approval by the local legislative body, similar to the unfunded mandate provision of Part 1, Article 28-a of the New Hampshire Constitution).

### **New 2018 House Bills**

CACR 11 requires that a majority of the selectmen be present at the polls for biennial elections. Rep. Spillane of Deerfield; **EL**.

CACR 15 provides that a taxpayer has standing to petition the court to declare whether the state or a political subdivision has spent funds in violation of a law, ordinance or constitutional provision. Rep. Hagan of Chester; **JUD-H**.

CACR 16 provides that there is a fundamental right to live free of governmental interference. Rep. Kurk of Weare; **JUD-H**.

CACR 19 provides that the people of the state have the right of local, community self-government to enact local laws that protect health, safety and welfare. Rep. Read of Newmarket; **M&CG**.

HB 1201 requires an employer to pay its employees for earned but unused vacation time. Rep. Renzullo of Hudson; **LABOR**.

HB 1202-LOCAL permits a town to establish a revolving fund for the purpose of facilitating transactions relative to municipal group net metering. Rep. Carson of Warner; **M&CG**.

HB 1210 establishes a committee to study the effect of current use taxation on small and rural municipalities. Rep. Gauthier of Claremont; **M&CG**.

HB 1211 requires municipalities to afford reasonable opportunities for the siting of presite built housing. Rep. Gauthier of Claremont; **M&CG**.

HB 1212 enables a municipality to prohibit occupancy of a commercial building with delinquent property taxes if the municipality has refused a tax deed for the property due to potential environmental liability issues. Rep. Gauthier of Claremont; **E&A**.

HB 1215 establishes requirements for zoning boards of adjustment voting on variances. Rep. J. Belanger of Hollis; **M&CG**.

HB 1216 provides that, if the owner of property subject to a tax deferral dies, the mortgage holder must pay all deferred taxes before selling the property in a foreclosure proceeding. Rep. J. Belanger of Hollis; **M&CG**.

HB 1220 requires that a driver's license used by a person under 70 years of age to obtain a ballot be current or expired less than 5 years. Rep. Freeman of Manchester; **EL**.

*(New Bills— Continued from Page 6)*

HB 1221 provides that in a town with the official ballot referendum (SB 2) form of town meeting, petitioned warrant article may be amended provided that the intent of the original warrant article is not changed. Rep. Verville of Deerfield; **M&CG**.

HB 1222 prohibits an employer from requiring a prospective employee to disclose his or her salary history prior to an offer of employment. Rep. J. Schmidt of Nashua; **LABOR**.

HB 1224 clarifies the existing authority of the moderator to postpone and reschedule a town election because of a weather emergency. Rep. Manley of Bennington; **EL**.

HB 1226 repeals the selectmen's authority to restrict the use of water from private wells for lawn watering. Rep. True of Sandown; **RR&D**.

HB 1227 provides that a person may idle a vehicle unattended on his or her own property. Rep. True of Sandown; **ST&E**.

HB 1231-FN-LOCAL increases the fee payable by a senior citizen for a dog license. Rep. Darrow of Grafton; **E&A**.

HB 1233 preempts the local regulation of seeds and fertilizer. Rep. Darrow of Grafton; **E&A**.

HB 1238 allows a law enforcement officer to take into possession an animal which is the subject of animal cruelty when he or she makes an arrest for animal cruelty. Rep. W. Marsh of Brookfield; **E&A**.

HB 1240 eliminates statutory restrictions on the ability of voters to vote for multiple candidates for the same office. Rep. Dyer of Pelham; **EL**.

HB 1241 establishes a commission to study the benefits and cost of a "health care for all" program for New Hampshire. Rep. McNamara of Hillsborough; **COM-H**.

HB 1244 repeals the provision of RSA 674:41, relative to erecting buildings on streets, that states that the statute supersedes any less stringent local ordinance. Rep. Brewster of Pittsfield; **M&CG**.

HB 1248 establishes a committee to study the construction of a parking facility at Hampton Beach. Rep. Emerick of Hampton; **PW**.

HB 1254 establishes a committee to study the procedures for adoption of national codes as part of the state building code and state fire code. Rep. Beaudoin of Rochester; **ED&A-H**.

HB 1255 provides that the state fire code shall include adoption by reference of the 2009 edition of the Life Safety Code rather than the 2015 edition. Rep. Beaudoin of Rochester; **ED&A-H**.

HB 1264 modifies the general statutory definitions of "resident or inhabitant" and "residence or residency." Rep. Packard of Londonderry; **EL**.

HB 1265 permits the release of criminal conviction records to a party to a criminal proceeding or

*(New Bills— Continued from Page 7)*

counsel for such party, or to the individual who is the subject of the criminal conviction record. Rep. Keans of Rochester; **CJ&PS.**

HB 1266 provides that, in cooperative school districts, the proportional share of district taxes for the municipality in which the school is located may be determined by including the valuation of the school property. Rep. Shurtleff of Concord; **M&CG.**

HB 1269 provides that campground owners who fail to provide local assessing officials with information regarding recreational vehicles located at the campground shall be guilty of a violation. Rep. Chirichiello of Derry; **M&CG.**

HB 1276 allows certain raffles to be conducted by charitable organizations without a permit or printed tickets. Rep. McGuire of Epsom; **W&M-H.**

HB 1282 repeals the local option to reduce the taxes attributable to a chartered public school leasing its building or facilities from a property owner which is not exempt from property taxes. Rep. Horrigan of Durham; **W&M-H.**

HB 1283 prohibits a law enforcement agency from conducting a sobriety checkpoint. Rep. Stone of Northwood; **CJ&PS.**

HB 1298 creates a cause of action for certain violations of an inhabitant's rights and privileges by a public servant. The bill also requires county attorneys to process affidavits for trial of such violations. Rep. Marple of Hooksett; **CJ&PS.**

HB 1299-FN-LOCAL provides a procedure for the direct recall of selectmen. Rep. Darrow of Grafton; **M&CG.**

HB 1303 adds fire services to the purposes for which a town may establish a revolving fund. Rep. Vose of Epping; **M&CG.**

HB 1307 provides that the default budget in a town with the official ballot referendum (SB 2) form of town meeting will be reduced by any reduction to an appropriation the governing body has made in the proposed operating budget. Rep. Verville of Deerfield; **M&CG.**

HB 1318 exempts fires that are not greater than 24 inches in height from the requirement to obtain a permit from the town forest fire warden. Rep. Burt of Goffstown; **M&CG.**

HB 1319 prohibits discrimination based on gender identity. Rep Butler of Hart's Location; **JUD-H.**

HB 1323 provides that discussions of employment matters relating to any public employee who is directly supervised by a public body may not occur in a non-public session under the right-to-know law. Rep. Sylvia of Belmont; **JUD-H.**

HB 1329 requires any law enforcement agency conducting eyewitness identification procedures to adopt a written policy regarding such procedures. Rep. O'Leary of Manchester; **CJ&PS.**



*(New Bills— Continued from Page 8)*

HB 1330 defines “wrongful discharge” of an employee and allows an employee to recover damages for wrongful discharge. Rep. Richardson of Lancaster; **LABOR**.

HB 1332 allows warrant articles to be split by the deliberative session in a town that has adopted the official ballot referendum (SB 2) form of town meeting. Rep. Spillane of Deerfield; **M&CG**.

HB 1344 eliminates the exemption for collective bargaining negotiations from the public meeting requirement under the right-to-know law. Rep. Wuelper of Strafford; **JUD-H**.

HB 1345 eliminates the requirement that assistant moderators and clerks for additional polling places in towns be domiciled in the voting district, and adds a requirement that assistant moderators and clerks for additional polling places in cities be domiciled in the voting district. Rep. Gay of Salem; **EL**.

HB 1347 requires the inclusion of additional information in meeting minutes under the right-to-know law. Rep. Sylvia of Belmont; **JUD-H**.

HB 1366 authorizes a town meeting to authorize future payments into capital reserve funds through appropriations in the operating budget. Rep. Packard of Londonderry; **M&CG**.

HB 1380 allows for discharge of a firearm within the compact part of a city or town with the written permission of all abutting property owners. Rep. Dyer of Pelham; **CJ&PS**.

HB 1381 limits the taxable value of utility property for local property taxation to the book value of the property in the utility’s financial records. Rep. Abrami of Stratham; **ST&E**.

HB 1391 reduces the time job application and personnel files must be retained by a municipality from 50 to 25 years after retirement or termination. Rep. Weyler of Kingston; **M&CG**. **NHMA Policy**.

HB 1392 permits a municipal budget committee to cause the numerical tally of all votes of the committee to be printed on the affected warrant unless the legislative body has voted otherwise. Rep. F. McCarthy of Conway; **M&CG**.

HB 1393 requires employers to pay terminated employees for vacation time and personal time. Rep. Cahill of Newmarket; **LABOR**.

HB 1396 modifies the definition of a default budget. Rep. True of Sandown; **M&CG**.

HB 1399 designates a statute of limitations for civil actions brought against public servants. Rep. Brewster of Pittsfield; **JUD-H**.

HB 1400 authorizes red emergency lights on vehicles owned or leased by police dispatchers. Rep. Costable of Raymond; **TRANS-H**.

HB 1402 requires municipalities to take reasonably available steps to minimize any adverse effects to forestry activities when adopting ordinances and prohibits municipalities from adopting ordi

*(New Bills— Continued from Page 9)*

nances that deal solely with forestry which adversely affect forestry activities. Rep. Chandler of Bartlett; **M&CG**.

HB 1406 adds a concealed carry license to the list of acceptable forms of proof of domicile for voting purposes, makes a concealed carry license valid for 3 years, and renders a resident's concealed carry license invalid 30 days after he or she relocates to a new city or town. Rep. Horrigan of Durham; **CJ&PS**.

HB 1414-FN increases the amount of time that a person has to pay a forfeiture for failure to obtain or renew a dog license. Rep. Dickey of New Boston; **M&CG**.

HB 1417-FN declares that any employer, insurance carrier, self-insurer, or claims adjustment company that fails to make timely payment to an employee under the workers' compensation law shall be liable to the employee for certain damages. Rep. Richardson of Lancaster; **LABOR**.

HB 1421-FN provides that event tents located on public property must comply with the state building code and state fire code, and exempts tents on private property from regulation under the building and fire codes. Rep. Wallace of Danville; **ED&A-H**.

HB 1423-FN requires the secretary of state to assist cities and towns in conducting local elections and establishes a municipal grant program to fund innovative election procedures and voter registration expansion. Rep. W. Pearson of Keene; **EL**.

HB 1427-FN allows a school district governing body to exempt the superintendent of schools from compulsory membership in the retirement system. Rep. Freeman of Manchester; **ED&A-H**.

HB 1428-FN requires the department of transportation to remove roadside memorials after a period of 90 days. Rep. Eaton of Stoddard; **PW**.

HB 1431 prohibits the state and its political subdivisions from acquiring military-equipped vehicles that are not available in an open commercial market. Rep. Hoell of Dunbarton; **M&CG**.

HB 1436 provides that certain developments within the protected shoreland will be considered developments of regional impact and grants appeal rights to abutters of a development of regional impact. Rep. Knirk of Freedom; **RR&D**.

HB 1441-FN establishes an office of the ombudsman in the department of state to investigate criminal complaints against public officials and employees. Rep. Itse of Fremont; **ED&A-H**.

HB 1444 requires the appointment of a town manager to be approved by the legislative body and prohibits a municipality from hiring independent contractors to perform the statutory duties of elected or appointed officials. Rep. Marple of Hooksett; **M&CG**.

HB 1445 provides that any public servant who fails to be accountable shall be subject to the penalty contained in RSA 92:2. Rep. Marple of Hooksett; **CJ&PS**.

HB 1450 reduces the time municipal job applications and personnel files are required to be retained from 50 years to 10 years. Rep. Keans of Rochester; **M&CG. NHMA Policy**.

*(New Bills— Continued from Page 10)*

HB 1451 requires employers with 10 or more employees to schedule a rest period between certain employment shifts and to provide employees with advance notice of the work schedule. Rep. Josephson of Canaan; **LABOR**.

HB 1452 requires an annual apportionment of public taxes according to the equalized valuation of cooperative school districts. Rep. Comeau of Brookfield; **EDUC-H**.

HB 1457-FN adds illicit drugs and drug paraphernalia to the drug take-back programs and authorizes a drug take-back program to have an on-site employee, staff member, or volunteer to offer aid to persons returning the drugs in finding suitable rehabilitation assistance. Rep. V. Sullivan of Manchester; **HHS&EA**.

HB 1459 prohibits operating autonomous vehicles on public ways. Rep. Guthrie of Hampstead; **TRANS-H**.

HB 1461 requires removal from office of any municipal official who causes the municipality to violate a constitutional mandate. Rep. Marple of Hooksett; **M&CG**.

HB 1462-FN requires an employer that offer health or dental benefits to its employees to maintain that coverage for an employee who has filed a compensable claim under the workers' compensation law for 24 months or until the employee has returned to work. Rep. Richardson of Lancaster; **LABOR**.

HB 1463 limits the authority of towns to enact bylaws regulating noise. Rep. Matthews of Raymond; **M&CG**.

HB 1470-FN repeals the normal yield tax on timber. Rep. Marple of Hooksett; **RR&D**.

HB 1472 requires the state building code review board to make available a form for showing compliance with energy provisions under the state building code, and repeals RSA 155-D, the state code for energy conservation in new building construction. Rep. M. MacKay of Nashua; **ED&A-H**.

HB 1473-FN permits a municipality to waive the yield tax on land owned by the municipality and modifies the procedure for filing a notice of intent to cut and the subsequent report with municipal officials. Rep. Spang of Durham; **RR&D**.

HB 1486 requires that a ballot counting device return an "over voted" ballot to the voter for correction. Rep. D. Ley of Jaffrey; **EL**.

HB 1491-FN-A-LOCAL requires the department of revenue administration to distribute a portion of meals and rooms tax collected to towns and cities in proportion to the total amount of taxes collected in the state. Rep. Emerick of Hampton; **W&M-H**.

HB 1500-FN defines workplace violence and workplace injuries and requires deaths and serious injuries in the workplace to be reported to the commissioner of labor. Rep. MacKenzie of Manchester; **LABOR**.

*(New Bills— Continued from Page 11)*

HB 1502 adds the property tax exemptions for water and air pollution control facilities to the tax expenditures subject to the joint committee on tax expenditure review. Rep. Cushing of Hampton; **W&M-H.**

HB 1507-FN provides that a new motor vehicle shall not be required to be reinspected during the 3 years following the manufacturer's model year. Rep. Spillane of Deerfield; **TRANS-H.**

HB 1508-FN changes the weekly compensation for temporary total disability, permanent total disability, and temporary partial and permanent partial disability. Rep. Richardson of Lancaster; **LABOR.**

HB 1510-FN requires the ballot clerk to provide information on license requirements for residents to a voter who uses an out-of-state driver's license for identification. Rep. Harrington of Strafford; **EL.**

HB 1520 establishes a procedure for public review of cast ballots after an election and allows citizens to request a verification count of machine-counted ballots. Rep. Read of Newmarket; **EL.**

HB 1533 allows a planning board to provide for the expiration of variances and special exceptions granted before August 19, 2013 by posting notice of the expiration. Rep. Vose of Epping; **M&CG.**

HB 1540-FN establishes procedures for ranked-choice voting for federal and state offices. Rep. Read of Newmarket; **EL.**

HB 1541-FN creates a registration fee for hybrid and electric vehicles. Rep. J. Graham of Bedford; **PW.**

HB 1543 modifies the requirements for a student claiming domicile for voting purposes. Rep. Stone of Northwood; **EL.**

HB 1547 requires towns operating under the official ballot referendum (SB 2) form of town meeting to submit a copy of the default budget to the department of revenue administration. Rep. Weyler of Kingston; **M&CG.**

HB 1548-FN defines room remarketer under RSA 78-A and provides that charges by room remarketers shall be subject to the meals and rooms tax. Rep. Butler of Hart's Location; **W&M-H.**

HB 1549 requires that motor vehicle accident reports be sent to parties to an accident and, in certain cases, that a copy be kept on file at the police station making the report. Rep. Weyler of Kingston; **TRANS-H.**

HB 1558-FN modifies definitions under the meals and rooms tax to include as taxable motor vehicle rentals the prearrangement of motor vehicle rentals with an online enabled technology application service, website, or system. Rep. Packard of Londonderry; **W&M-H.**

*(New Bills— Continued from Page 12)*

HB 1561 prohibits the use of ground cover made from recycled tire rubber at village, town, municipal, and public school playgrounds. Rep. Messmer of Rye; **M&CG**.

HB 1563-LOCAL permits the owner of property equipped with a solar energy system to either pay the property tax on the assessed value of the property or make a payment in lieu of taxes for that portion equipped with the solar energy system. Rep. Oxenham of Plainfield; **ST&E**.

HB 1566 prohibits the open carrying of a firearm in certain public places, including polling places and public buildings. Rep. Burrige of Keene; **CJ&PS**.

HB 1573 provides that a special election to fill a vacancy in a multi-town or multi-ward state representative district shall be held only if the selectmen of a majority of the towns or wards in the district so request. Rep. Migliore of Bridgewater; **EL**.

HB 1579-FN requires records to be kept under the right-to-know law for consultations with legal counsel and collective bargaining sessions. Rep. Wuelper of Strafford; **JUD-H**.

HB 1582 authorizes a moderator to conduct a verification count of machine-counted ballots. Rep. Porter of Hillsborough; **EL**.

HB 1585 requires conservation commissions to keep an index or a natural resources inventory of open space and natural, aesthetic, or ecological areas. Rep. R. Graham of Milton; **RR&D**.

HB 1590 requires the commissioner of the department of environmental services to make rules relative to the presence of certain chemicals in the surface waters of the state. Rep. Messmer of Rye; **RR&D**.

HB 1591 establishes a private right of action for violation of any solid waste or hazardous waste permit or for handling or disposing of solid or hazardous waste that presents damage to health or the environment; establishes strict liability for the release of toxic substances; and creates a private right of action for medical monitoring damages. Rep. Messmer of Rye; **JUD-H**.

HB 1592 requires the commissioner of the department of environmental services to revise rules relative to arsenic contamination in drinking water. Rep. Messmer of Rye; **RR&D**.

HB 1597 allows a court to appoint a receiver for a manufactured housing park if more than 30 percent of tenants are delinquent in property tax payments and subject to expected tax liens. Rep. Gauthier of Claremont; **COM-H**.

HB 1603 requires that one of the members on the independent investment committee of the state retirement system be an active member employee. Rep. Proulx of Manchester; **ED&A-H**.

HB 1607 authorizes the superior court, upon petition by a public agency under the housing standards law, to appoint a receiver to remedy an unhealthful condition in a property which poses a threat to the health and safety of tenants or the public. Rep. Gagnon of Claremont; **COM-H**.

HB 1608 prohibits a municipality or school district from paying salary, wages, or other benefits to

*(New Bills— Continued from Page 13)*

a public employee who is on leave of absence or sabbatical or is not directly employed by and working for the municipality or school district. Rep. Wallace of Danville; **M&CG**.

HB 1609 allows towns and cities to adopt an additional surcharge under the meals and rooms tax on hotel occupancy within the town or city. Rep. Edgar of Hampton; **W&M-H. NHMA Policy**.

HB 1616 requires legislative approval for regional planning commissions to accept money from governmental sources other than the state of New Hampshire or its political subdivisions. Rep. Ammon of New Boston; **M&CG**.

HB 1618 requires the department of environmental services to make rules relative to perfluorinated chemicals in ambient water and maximum contaminant limits for perfluorinated chemicals in public water systems. Rep. Messmer of Rye; **RR&D**.

HB 1619 adds the rehabilitation, renovation, or replacement of tourist lodging to the community revitalization tax relief incentive program. Rep. Emerick of Hampton; **W&M-H**.

HB 1627-FN establishes penalties for transmitting images or sounds of an individual on private property without consent, or engaging in surveillance of another without consent. Rep. Kurk of Weare; **JUD-H**.

HB 1630 prohibits the state from establishing any new property tax exemptions or credits unless they are fully funded by the state or approved by the local legislative body of the political subdivision. Rep. Cushing of Hampton; **M&CG**.

HB 1631-LOCAL provides that if a municipality that uses a tax increment financing plan is part of a multi-town school district, it shall use the current assessment of the property within the district to calculate apportionment of the school district's operating expenses. Rep. Hunt of Rindge; **M&CG**.

HB 1634 permits a town to make bylaws regulating disorderly houses. Rep. Butler of Hart's Location; **M&CG**.

HB 1635 permits a town to enact a bylaw permitting the issuance of a license for the operation of a short-term rental. Rep. Butler of Hart's Location; **COM-H**.

HB 1640-LOCAL defines "occasion" for the purpose of laying out roads in towns. Rep. Brewster of Pittsfield; **PW**.

HB 1652 eliminates the option for a town with the official ballot referendum (SB 2) form of town meeting to hold a special town meeting to approve a revised operating budget if the operating budget is not adopted, and requires a detailed presentation of the default budget at the budget hearing, showing one-time expenditures in the previous year's operating budget that were excluded from the default budget. Rep. Ammon of New Boston; **M&CG**.

HB 1655-LOCAL limits the amount of a civil penalty that may be assessed for first offense planning and zoning violations on residential property. Rep. Hynes of Merrimack; **M&CG**.



*(New Bills— Continued from Page 14)*

HB 1657 requires a town to remove an elected town treasurer from office after receiving a report from the department of revenue administration that the treasurer is not in compliance with his or her oath of office to honor the constitution. Rep. Brewster of Pittsfield; **M&CG**.

HB 1662-LOCAL requires the completion of a radon assessment prior to the issuance of a certificate of occupancy for new residential construction. Rep. McBeath of Portsmouth; **COM-H**.

HB 1666 requires additional redistricting if election results exceed a specified efficiency gap. Rep. Knirk of Freedom; **EL**.

HB 1669-FN purports to exempt certain foodstuffs grown or produced in and sold in New Hampshire from federal regulation, and prohibits municipalities from making or enforcing any food ordinance that is more restrictive than the requirements under state law. Rep. Itse of Fremont; **COM-H**.

HB 1670 permits certain inhabitants to have access to bonds issued to indemnify public and municipal employees and gives the bonding company an equitable remedy of subrogation. Rep. Marple of Hooksett; **ED&A-H**.

HB 1673-FN-LOCAL ties the interest rate charged on late and delinquent property tax payments to the annual underpayment rate determined by the commissioner of revenue administration, based on the rate specified in the Internal Revenue Code. Rep. Scully of Nashua; **W&M-H**.

HB 1676-FN repeals the licensing requirement for open-air shows and repeals the laws related to the keeping of billiard tables. Rep. Phinney of Rochester; **ED&A-H**.

HB 1684 modifies the requirement for a criminal history background check for applicants for emergency medical services licensure or relicensure by removing certain procedural requirements and exempting persons employed as law enforcement officers. Rep. Danielson of Bedford; **ED&A-H**.

HB 1693 modifies the definition of “bridge” for the purpose of qualification for bridge aid and permits the commissioner of transportation to reduce or eliminate aid for the construction or reconstruction of certain bridges. Rep. Valera of Windsor; **PW**.

HB 1696-FN expands the purposes of the Hampton Beach capital improvement fund and increases the amount transferred to this fund from the Hampton Beach parking revenues fund. Rep. Cushing of Hampton; **PW**.

HB 1699 establishes new state representative districts for Hudson and Pelham. Rep. Renzullo of Hudson; **EL**.

HB 1701 requires the commissioner of the department of environmental services to require the Coakley Landfill Group to submit to the department its records pertaining to the remediation at the site of the Coakley Landfill. Rep. Cushing of Hampton; **JUD-H**.

*(New Bills— Continued from Page 15)*

HB 1710-FN-A changes the amount which operators may retain from meals and rooms taxes collected. The bill continually appropriates certain meals and rooms tax revenues for school building aid grants. Rep. Cahill of Newmarket; **W&M-H.**

HB 1711-FN authorizes addiction rehabilitation treatment in certain circumstances under the workers' compensation law. Rep. Richardson of Lancaster; **LABOR.**

HB 1717-FN requires a municipality to obtain a court order, after a trial by jury, before it can transfer private property. Rep. Marple of Hooksett; **JUD-H.**

HB 1722-FN-LOCAL requires the annual refund by a municipality of the pro rata share of taxes paid by a chartered public school pursuant to a lease of property from a non-exempt owner. Rep. Hoell of Dunbarton; **W&M-H.**

HB 1726-FN requires reimbursement from the fish and game search and rescue fund to municipalities or village districts which conduct search and rescue missions. Rep. Bucu of Conway; **F&G.**

HB 1727-FN requires public water suppliers to monitor public water supplies for perfluorinated chemicals. Rep. Messmer of Rye; **RR&D.**

HB 1730-FN-A establishes a public safety enhancement revolving fund, establishes a grant program for body cameras worn by police, and creates prestige number vanity plates. Rep. Cushing of Hampton; **CJ&PS.**

HB 1734-FN requires that motor vehicles be inspected before registration, eliminates inspection stickers, modifies the validity period for inspections, and adjusts registration anniversaries for certain vehicles. Rep. Prout of Hudson; **TRANS-H.**

HB 1737-FN-LOCAL sets the permissible level of methyl tertiary butyl ether (MTBE) in drinking water at .5 micrograms per liter. Rep. McConnell of Swanzeey; **RR&D.**

HB 1749-FN revises the law on the state's authority to prohibit or regulate firearms, firearms components, ammunition, firearms supplies, and knives, and makes the selectmen's authority to manage town property under RSA 41:11-a subject to the provision of RSA 159:26. Rep. Hoell of Dunbarton; **M&CG.**

HB 1750-FN establishes an expectation of privacy in personal information and prohibits the government from acquiring, retaining, or using personal information with certain specific exceptions. Rep. Kurk of Weare; **JUD-H.**

HB 1754-FN-LOCAL establishes a state retirement plan for new members of the retirement system who begin service on or after July 1, 2019, which is structured as a defined contribution plan. Rep. J. Graham of Bedford; **ED&A-H.**

HB 1755-FN establishes an office of the inspector general to independently advocate for the people and provide assistance in the exercise of their Article 14 rights. Rep. Marple of Hooksett; **ED&A-H.**

HB 1756-FN-A grants a one-time additional allowance to certain retirees in the state retirement system and makes a general fund appropriation therefor, and grants a cost of living adjustment to such retirees contingent on the funding for the total actuarial cost therefor. Rep. Shurtleff of Concord; **F-H**.

HB 1757-FN provides for the application of the reduction of a retiree's annuity at the member's full retirement age under the federal Social Security system. Rep. Danielson of Bedford; **ED&A-H**.

HB 1759-FN regulates the use of drones by government agencies and individuals. Rep. Kurk of Weare; **ED&A-H**.

HB 1760-FN provides individuals with an expectation of privacy in their personal materials and protection from intrusion by government. Rep. Kurk of Weare; **JUD-H**.

HB 1763-FN-A establishes a road usage fee for motor vehicles registered to travel on New Hampshire roads based on the equivalent miles per gallon of the vehicle, to be collected at the time of annual registration of the vehicle and deposited in a separate restricted road usage account within the highway fund. Rep. Major of Plaistow; **W&M-H**.

HB 1766-FN requires the department of environmental services to order the parties responsible for dumping hazardous waste in the Coakley Landfill to undertake certain remedial actions. Rep. Messmer of Rye; **E&A**.

HB 1770-FN-LOCAL requires that the supervisors of the checklist request proof of qualification to vote from voters receiving absentee ballots at an address other than that claimed as the voter's domicile. Rep. Hill of Northfield; **EL**.

HB 1772-FN authorizes online voter registration. Rep. W. Pearson of Keene; **EL**.

HB 1782-FN requires insurers to reimburse ambulance providers directly. Rep. Morrison of Epping; **COM-H**.

HB 1786-LOCAL declares that no cost shall be charged for the inspection or delivery, without copying, of governmental records under the right-to-know law. Rep. Sylvia of Belmont; **JUD-H**.

HB 1788-FN-LOCAL declares that the cost charged for copies of governmental records under the right-to-know law shall not exceed the prevailing commercial rate for the producing of copies. Rep. Sylvia of Belmont; **JUD-H**.

HB 1789-FN-LOCAL declares that there shall be no costs charged for delivery of electronic governmental records under the right-to-know law. Rep. Verville of Deerfield; **JUD-H**.

HB 1793-FN-A establishes a single payer health care system to provide health care for the citizens of New Hampshire. Rep. P. Schmidt of Dover; **COM-H**.

*(New Bills— Continued from Page 17)*

HB 1802-FN-LOCAL requires municipalities to remit any excess statewide education property tax to the state for deposit in the general fund. Rep. Henle of Concord; **W&M-H**.

HB 1804-FN revises the work requirements for the supplemental nutrition assistance program and the New Hampshire employment program to correspond with the work requirements for participation in the New Hampshire health protection program. Rep. Kurk of Weare; **HHS&EA**.

HB 1805 establishes a committee to study level dollar amortization of retirement system unfunded accrued liability. Rep. Ohm of Nashua; **ED&A-H**.

HB 1810 establishes a commission to study the effectiveness of the current statutes related to management of non-tidal public water ways and the construction or placement of structures within them. Rep. Mullen of Middleton; **RR&D**.

HB 1811-FN-A extends the New Hampshire health protection program. Rep. Rosenwald of Nashua; **HHS&EA**.

HB 1813-FN requires the department of health and human services to seek a waiver to reduce eligibility for benefits under the New Hampshire health protection program from 138 percent of the poverty level to 100 percent, and requires the department to develop and implement enhanced eligibility screening procedures. Rep. Kurk of Weare; **HHS&EA**.

HB 1820-FN requires the use of body cameras by law enforcement officers. Rep. Hynes of Merrimack; **CJ&PS**.

HB 1821-FN repeals the establishment and regulation of Keno. Rep. Scruton of Rochester; **W&M-H**.

HB 1833-FN requires the retirement system to amortize annual unfunded liabilities accrued on or after July 1, 2017 separately from existing liabilities. Rep. McGuire of Epsom; **ED&A-H**.

### **New 2018 Senate Bills**

SB 320 modifies the limitation on the content of checklists used at elections and deletes obsolete statutory references. Sen. Gray of Rochester; **EL&IA**.

SB 321 removes the requirements that net energy metering group host customers be default service customers of the same electric distribution utility as the host and that they are responsible for certain costs. Sen. Giuda of Warren; **ENR**.

SB 322 requires that a property owner shall have access to service from a water utility if the owner pays the rates for such services. Sen. French of Franklin; **ENR**.

SB 324-FN allows a retiree who terminated a retirement system optional allowance following divorce to nominate a current spouse after remarriage for a new optional allowance. Sen. D'Allesandro of Manchester; **ED&A-S**.

SB 328 removes the attorney general as a member of the wellness and primary prevention council and the OBD II testing advisory committee, and repeals the criminal justice information system program, known as J-One. Sen. French of Franklin; **ED&A-S**.

SB 336 moves the towns of Livermore and Waterville from the Conway judicial district to the Plymouth-Lincoln judicial district. Sen. Woodburn of Whitefield; **JUD-S**.

SB 339 provides that the affirmative vote of three members is necessary for a zoning board of adjustment to take any action. Sen. Kahn of Keene; **PMA**.

SB 340 limits an audit of municipal accounts to events and transactions that occurred subsequent to the last completed audit. Sen. Daniels of Milford; **PMA**.

SB 341 allows cities and towns to adopt a property tax exemption for certain totally and permanently disabled veterans. Sen. Daniels for Milford; **PMA**.

SB 342 requires a school board, in a district that has adopted the official ballot referendum form of meeting, to provide written documentation identifying certain specific cost items in the default budget at the deliberative session. Sen. Daniels of Milford; **PMA**.

SB 347 deletes the requirement that the district engineer, department of transportation, approve vehicle exclusions from seasonal highway weight limit regulations. Sen. French of Franklin; **TRANS-S**.

SB 352-FN allows an injured employee covered under workers' compensation who is dissatisfied with a determination by the employer or the employer's insurance carrier to obtain an independent examination. Sen. Soucy of Manchester; **COM-S**.

SB 364 establishes a commission to study the establishment of a searchable database to verify that each vote was properly recorded. Sen. Sanborn of Bedford; **EL&IA**.

SB 366 changes certain requirements concerning membership on the site evaluation committee. Sen. Bradley of Wolfeboro; **ENR**.

SB 370-FN adopts the emergency medical services personnel licensure interstate compact. Sen. Reagan of Deerfield; **ED&A-S**.

SB 386 allows a person to request and receive a copy of the criminal conviction of another person without requiring such person's authorization to be notarized. Sen. Kahn of Keene; **JUD-S**.

SB 387-FN modifies several provisions of law relating to bodily injury actions against governmental units and raises liability limits in such actions to keep pace with inflation. Sen. Feltes of Concord; **JUD-S**.

SB 394 enables municipalities operating under a charter to establish term limits for elected officials. Sen. Innis of New Castle; **PMA**.

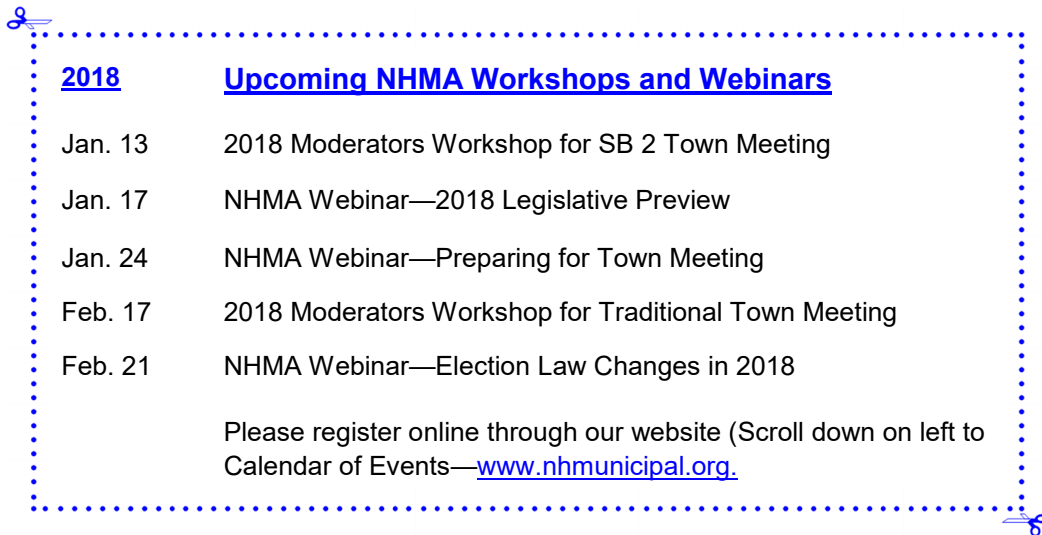
*(New Senate Bills— Continued from Page 19)*

SB 395 changes requirements regarding access to electronic governmental records under the right-to-know law. Sen. Giuda of Warren; PMA.

SB 401 requires an owner of land that abuts a road that is not maintained by a municipality to repair and maintain his or her share of such road. Sen. Woodburn of Whitefield; **TRANS-S.**

SB 403-LOCAL repeals the property tax exemption for recreational vehicles. Sen. Reagan of Deerfield; **W&M-S.**

SB 405 allows cities and towns to adopt a separate exemption against the statewide property tax for long-term residents over 65 years of age. Sen. Sanborn of Bedford; **W&M-S.**



**2018**      **Upcoming NHMA Workshops and Webinars**

|         |   |
|---------|---|
| Jan. 13 | 2018 Moderators Workshop for SB 2 Town Meeting        |
| Jan. 17 | NHMA Webinar—2018 Legislative Preview                 |
| Jan. 24 | NHMA Webinar—Preparing for Town Meeting               |
| Feb. 17 | 2018 Moderators Workshop for Traditional Town Meeting |
| Feb. 21 | NHMA Webinar—Election Law Changes in 2018             |

Please register online through our website (Scroll down on left to Calendar of Events—[www.nhmunicipal.org](http://www.nhmunicipal.org).)



Glossary of Abbreviations Used in  
Bill Descriptions and the  
Legislative Process

|                   |   |
|-------------------|---|
| CACR .....        | Constitutional Amendment Concurrent Resolution                |
| CAP BUDGET .....  | Capital Budget Committee (Senate)                             |
| C&FL .....        | Children & Family Law Committee (House)                       |
| CJ&PS .....       | Criminal Justice & Public Safety Committee (House)            |
| COM-S .....       | Commerce Committee (Senate)                                   |
| COM-H .....       | Commerce and Consumer Affairs Committee (House)               |
| E&A .....         | Environment & Agriculture Committee (House)                   |
| ED&A-S .....      | Executive Departments & Administration Committee (Senate)     |
| ED&A-H .....      | Executive Departments and Administration Committee (House)    |
| EDUC-H .....      | Education Committee (House)                                   |
| EDUC-S.....       | Education Committee (Senate)                                  |
| EL .....          | Election Law Committee (House)                                |
| EL&IA .....       | Election Law and Internal Affairs Committee (Senate)          |
| ENR .....         | Energy & Natural Resources Committee (Senate)                 |
| F-S .....         | Finance Committee (Senate)                                    |
| F-H .....         | Finance Committee (House)                                     |
| F&G .....         | Fish & Game and Marine Resources Committee (House)            |
| FN .....          | Fiscal Note   |
| HB .....          | House Bill  |
| HHS .....         | Health and Human Services Committee (Senate)                  |
| HHS&EA .....      | Health, Human Services & Elderly Affairs Committee (House)    |
| JUD-S .....       | Judiciary Committee (Senate)                                  |
| JUD-H.....        | Judiciary Committee (House)                                   |
| L .....           | Local   |
| LABOR .....       | Labor, Industrial & Rehabilitative Services Committee (House) |
| LEGIS ADMIN ..... | Legislative Administration Committee (House)                  |
| LOB .....         | Legislative Office Building                                   |
| M&CG .....        | Municipal & County Government Committee (House)               |
| PMA .....         | Public and Municipal Affairs Committee (Senate)               |
| PW .....          | Public Works & Highways Committee (House)                     |
| RR&D .....        | Resources, Recreation & Development Committee (House)         |
| RULES.....        | Rules Committee (House)                                       |
| RULES&EB .....    | Rules and Enrolled Bills Committee (Senate)                   |
| SB .....          | Senate Bill   |
| S-FR .....        | State-Federal Relations & Veterans Affairs Committee (House)  |
| SH .....          | State House   |
| ST&E .....        | Science, Technology & Energy Committee (House)                |
| TRANS-S .....     | Transportation Committee (Senate)                             |
| TRANS-H .....     | Transportation Committee (House)                              |
| W&M-S .....       | Ways & Means Committee (Senate)                               |
| W&M-H.....        | Ways & Means Committee (House)                                |