

# LEGISLATIVE BULLETIN

## Utility Valuation is Back

Bulletin 05, 2019 Session  
January 25, 2019

Most readers don't need to be reminded that valuation of utility property for local property tax purposes has been an almost constant topic in the legislature for the last three or four years, and in the courts for a lot longer. Municipalities have managed to fend off several legislative efforts to establish valuation formulas that would significantly undervalue utility property and lead to property tax increases for other taxpayers.

Last year, in an effort to find a compromise that could solve this problem and put an end to the legislative fights—and the lawsuits—the legislature created a commission to study the issue and make recommendations. That commission, which included representatives from utility companies, assessors, NHMA, the Assessing Standards Board, and the Department of Revenue Administration, met several times last fall and, after much discussion and debate, issued a [report](#) that included a recommended formula for determining utility property values. That formula has been incorporated in [HB 700](#).

**HB 700** is scheduled for a hearing before the House Ways & Means Committee next **Wednesday, January 30, at 11:00 a.m., in LOB Room 202**. NHMA is not taking a position on the bill at this point, but *we strongly urge assessors and other local officials to become familiar with the bill and attend the hearing on Wednesday*.

The bill establishes a formula for determining the value of a utility's distribution assets within each municipality. It does not apply to (1) electric company property classified as transmission assets according to FERC standards, and associated land or land rights; (2) electric generation facilities and associated land and land rights; (3) gas transmission pipeline facilities regulated by FERC and associated land rights; (4) telephone, cable, or internet provider assets; or (5) large-scale natural gas and propane gas liquid storage and processing facility assets. All of those assets would continue to be appraised using the municipality's current approach.

For electric and gas utility company assets (other than land and land rights), value would be based on a weighted average of 70 percent of each asset's original cost and 30 percent of each asset's net book cost. For water utility company assets, it would be 25 percent of each asset's original cost and 75

### INSIDE THIS ISSUE

|                         |    |
|-------------------------|----|
| Short-Term Rentals      | 2  |
| Local Occupancy Fees    | 3  |
| Retiree COLA            | 3  |
| SB 2 Adoption           | 4  |
| Retirement Contribution | 4  |
| State Aid Grants        | 5  |
| Property Tax Bills      | 5  |
| Bill Hurts Local Boards | 6  |
| No More Blurbs          | 7  |
| Calendars               | 7  |
| New Bills               | 9  |
| NHMA Upcoming Events    | 14 |

### GOVERNMENT AFFAIRS CONTACT INFORMATION

**Margaret M.L. Byrnes**, Executive Director

**Cordell A. Johnston**, Government Affairs Counsel

**Barbara T. Reid**, Government Finance Advisor

**Timothy W. Fortier**, Communications & Member Services Coordinator



25 Triangle Park Drive  
Concord NH 03301  
Tel: 603.224.7447/EM Below:  
[governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org)  
Website: [www.nhmunicipal.org](http://www.nhmunicipal.org)

*(Utility Valuation— Continued from Page 1)*

percent of each asset's net book cost. Each company would be required to report annually to each municipality the original cost and net book value of all of its assets located within the municipality.

Three percent of the value derived using the above formula would be added to the value to account for the use of public rights-of-way and private easements. Land owned in fee would be assessed using regular assessing practices outside the formula. The new formula would be phased in over a five-year period, so that in the first year the value would be a weighted average of 80 percent of the locally assessed value for the 2018 tax year and 20 percent of the value determined using the new formula, in the second year the split would be 60-40, and so on until the formula is fully implemented.

This is a big deal, and again, we urge local officials to review the bill carefully to try to estimate its impact—which will vary significantly among municipalities. We are not assessing experts, but we understand, from those who are, that the formula will significantly reduce values in some municipalities and significantly increase them in others. For that reason, NHMA is not taking a position on the bill, at least yet.

Although the bill would lead to lower valuations in many municipalities, local officials should keep in mind that the utility companies have been challenging their valuations every year; and, while the local valuations have mostly been upheld, they have not always—and when the town loses, the result can be disastrous. Unfortunately, the outcome frequently depends on which judge is hearing the case. There is much to be said for predictability, and for saving legal and assessing costs.

Further, while this bill is not the best imaginable result, it is much better than the proposals that received significant support in the legislature over the last several years, and which were defeated only with extensive effort. The New Hampshire Supreme Court has hinted very strongly that it would like to see the legislature resolve the issue, and we fear that a different legislature in a different year might come up with something far worse. Notably, the utility company representatives on the study commission dissented from the majority report, because they believed the recommended formula would create inflated values.

For these reasons, we encourage local officials to review the bill carefully, weigh the costs and benefits of accepting its results versus continuing to do battle in the legislature and the courts, and then let [committee members](#) and your own representatives (and us) know what you think.

## **Licensing Short-Term Rentals**

The burgeoning market for short-term rentals of homes and apartments may be a boon to some travelers and homeowners, but it has created serious headaches in many municipalities around the country. Those problems are starting to arrive in New Hampshire, especially in cities and towns with significant tourist traffic. Local officials have no information about what properties are being rented; neighbors complain about noise, trash, and disorderly conduct; and there are no assurances that the properties being rented are safe or sanitary.

NHMA's policy bill, [SB 69](#), scheduled for a hearing next week, is a small step toward addressing some of those problems. The bill allows, but does not require, a municipality to adopt provisions

*(Short-Term Rentals— Continued from Page 2)*

for licensing short-term rentals. It also allows the fire chief to inspect short-term rental properties for fire code violations and other hazardous conditions and authorizes the health officer to investigate sanitary conditions.

It is clear enough under existing law that a municipality may restrict or prohibit short-term rentals through its zoning ordinance. But there are few if any municipalities that want to ban these uses altogether; and if they do allow them, there is little they can do to police them, other than respond to nuisance and criminal complaints. Hotels and bed and breakfasts are subject to regulation and inspections; a functionally identical business should not be immune just because it is operated out of someone's home. **SB 69** takes an extremely light approach compared to ordinances and statutes in many other jurisdictions; and, again, it merely creates a local option. Most municipalities may not choose to exercise that option, but the option should be available.

The hearing on **SB 69** is scheduled for next **Wednesday, January 30, at 10:15 a.m., in LOB Room 102**, before the Senate Election Law & Municipal Affairs Committee.

### **Local Option Hotel Occupancy Fee**

**HB 641**, an **NHMA policy bill** that allows municipalities to enact a local option hotel occupancy fee, is scheduled for a hearing before the House Municipal and County Government Committee on **Tuesday, January 29, at 2:30 p.m., in LOB Room 301**. Under the bill, the local legislative body could authorize collection of a fee as a daily charge of up to \$2 per room, or as a percentage of the price of the room not to exceed \$2 per night. Revenues from the fee would be deposited in a capital reserve fund, tourism support fund, revolving fund, or other special revenue fund as authorized.

In a town, adoption of this optional fee would be at an annual or special town meeting by ballot under the procedures in RSA 39:3. Adoption in a city would be in accordance with the procedures provided in the city charter. In either case, a public hearing would be required before a vote by the legislative body.

Municipalities interested in assessing and collecting this optional occupancy fee are encouraged to testify at the hearing on Tuesday or provide written testimony to the [Municipal and County Government committee members](#).

### **COLA for NHRS Retirees**

On **Wednesday, January 30, at 2:00 p.m. in LOB Room 306**, the House Executive Departments and Administration Committee will hear testimony on **HB 616**, which proposes to provide a 1.5 percent cost-of-living-adjustment (COLA) for all New Hampshire Retirement System (NHRS) retirees, or their beneficiaries, who have been retired at least 5 years on or prior to July 1, 2019. This COLA would be a permanent addition to the retirement allowance paid in the future.

The NHRS actuary estimates that this COLA will increase the current \$5 billion unfunded actuarial accrued liability of the system by **\$67.7 million**, which would be paid for by increases in future employer retirement rates over the next 20 years. The cost to terminally fund this COLA (*i.e.*, pay it

*(NHRS Retirees— Continued from Page 3)*

all up front rather than through future employer contribution rates) is **\$77.9 million**. Obviously, we have concerns – not about providing a COLA, but about expecting municipal employers to pay for it – and will share those concerns with the committee.

## **Adopting SB 2**

Another **NHMA policy bill**, [HB 415](#), relative to the manner of adopting the official ballot referendum (SB 2) form of town meeting, is scheduled for a hearing before the House Municipal & County Government Committee on **Wednesday, January 30, at 1:30 p.m., in LOB Room 301**.

Under current law, a question about adopting SB 2 is put to the voters by placing it on the official ballot. The question that goes on the ballot is prescribed by statute, and it provides almost no insight into the consequences of the vote: “Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the town on the second Tuesday of March [or April or May]?” That’s it. The question is not discussed or debated at town meeting; it is voted on in the voting booth, where there is no opportunity for questions or explanation. Only the most diligent and informed voters have any idea what it means.

Other major changes to town government—such as establishing a budget committee or imposing a tax cap—are required to be voted on in open town meeting, where there is ample opportunity for explanation of what the change will mean for the town. Adoption of SB 2 is a fundamental, earth-shaking change in how the legislative body operates; it is a far more significant change than adoption of a budget committee or a tax cap, and it ought to be treated that way. A huge, and likely permanent, change in how town meeting operates should be based on thorough discussion and debate, not on the whims or guesses of voters who have a few seconds to make up their minds about a question they are seeing for the first time.

NHMA’s members voted overwhelmingly last September to make this a legislative policy. Please encourage your representatives, and members of the [Municipal & County Government Committee](#), to support **HB 415**.

## **Restoration of State Retirement Contributions**

On Wednesday the House Executive Departments and Administration Committee heard testimony on [HB 497](#), an **NHMA policy bill** that proposes to reinstate a portion of the state retirement contribution toward the New Hampshire Retirement System (NHRS) costs for teachers, police, and firefighters. According to the bill’s fiscal note, local government (municipal, school, and county) retirement costs would decrease by approximately \$42 million in fiscal year 2020 and \$43 million in fiscal year 2021 with the 15 percent state contribution contemplated by this bill. To help put those amounts in perspective for each municipality, two charts were provided to the committee – one for [police/fire](#) and the other for [teachers](#). These charts show the actual state contributions in fiscal year 2011, totaling \$44 million on a town-by-town basis, and provide a **reasonable estimate** of the impact **HB 497** would have in reducing retirement costs for each municipality.

Supporters of **HB 497** noted that the retirement contribution was a commitment the state had made to local governments as an incentive to join the retirement system, and that when the state retirement contribution was lowered from 35% to 30% in 2010, then to 25% in 2011, it was intended to just be a *temporary* measure to help the state weather the recession. NHMA provided the committee with a [graph](#) showing the employer rate increases from 2002 through 2021, specifically noting the large increases from 2011 to 2012 as a result of the elimination of the state's contribution.

The Executive Departments and Administration Committee is responsible for making a policy recommendation to the full House, and NHMA urged support of an Ought to Pass recommendation. If the House passes **HB 497**, the bill will likely be referred to the Finance Committee to consider the financial aspects (*i.e.*, how to pay for it). Please contact members of the [Executive Department and Administration Committee](#) and urge their support for **HB 497**.

### **SAG for Wastewater Projects**

At a work session on Tuesday, Division I of the House Finance Committee voted to retain **HB 352**, relative to state aid grants (SAG) for wastewater projects, waiting to see how the grants are handled in the Governor's proposed budget, which is due to be presented to the general court on or before February 15. As reported in [Legislative Bulletin #3](#), **HB 352**, an **NHMA policy bill**, would appropriate funds for 70 completed, or substantially completed, wastewater projects in 35 municipalities that would be eligible for state grants under [RSA 486:1](#) but for the moratorium on state funding that has been in place since 2012. An identical bill has been filed in the Senate and awaits a bill number and hearing.

The New Hampshire Department of Environmental Services provided a list of [SAG-eligible wastewater projects](#). Municipalities are encouraged to file a SAG pre-application or application **now** for all projects on this list, if they have not already done so, to confirm eligibility should this grant money become available. The SAG applications are available in the [Grants Management Section](#) of the department's wastewater engineering bureau website. Questions regarding SAG should be directed to Beth Malcolm at 603-271-2978 or [Beth.Malcolm@des.nh.gov](mailto:Beth.Malcolm@des.nh.gov).

### **Property Tax Day**

**Tuesday, January 29**, is property tax day in the House Municipal and County Government Committee (**LOB Room 301**), with the following bills dealing with exemptions, credits, and other property tax issues scheduled for hearings:

- **10:00 a.m.** – [HB 128](#) allows municipalities to adopt a full property tax exemption for veterans who have been determined by the United States Department of Veterans' Affairs to have a 100 percent service-connected total and permanent disability;
- **10:30 a.m.** – [HB 129](#) allows municipalities to establish a cap on the education property tax for residents age 65 and older if the property has been the taxpayer's primary residence for at least 5 years and no school-age child have resided there in the past 5 years;



*(Property Tax Day — Continued from Page 5)*

- **11:00 a.m.** – [HB 130](#) clarifies the property tax exemption for certain permanently and totally disabled veterans by incorporating the definition of permanent total disability in federal regulations;
- **11:30 a.m.** – [HB 144](#) requires notification to property owners regarding changes in assessed value resulting from the annual revised inventory;
- **1.00 p.m.** – [HB 207](#) allows municipalities to adopt an education property tax credit for individuals over age 55 who have no children in public school;
- **1:30 p.m.** – [HB 266](#) changes the residency requirement for the elderly exemption from 3 to 10 consecutive years, if so adopted by the municipality.

### **Bill Would Hobble Small-Town Boards**

The House Municipal & County Government Committee voted 14-5 this week to recommend passage of [HB 143](#), which would prohibit any person from serving on two or more town or city boards “if decisions of one are appealable to the other.” This means a member of a zoning board of appeals could not serve at the same time on the planning board, the historic district commission, or (in some towns) the board of selectmen.

We are concerned about the effect of this bill, especially on small towns, and we encourage the full House to reject the committee’s recommendation. We certainly agree that it is a *bad idea* for a ZBA member to serve simultaneously on one of the other boards, and we regularly advise local officials to try to avoid that situation if they can, because of the potential for a conflict. However, in the less-than-ideal world that we inhabit, many small towns—and even many larger ones—already have trouble finding volunteers to fill all of the positions on these boards. This bill would make it even harder.

NHMA proposed an alternative solution, which was to amend RSA 673:14, the statute addressing conflicts of interest for land use board members. The proposed amendment would explicitly require a land use board member to disqualify himself or herself when the matter in question is an appeal from another board and the member participated in the decision as a member of that board. This addresses the conflict problem without creating a new problem. Unfortunately, the majority of the committee rejected that proposal.

The bill also would set up a direct conflict with RSA 673:7, which explicitly allows one member of the planning board to serve on the ZBA (or any other land use board). If the bill passes, there will be two different answers to the question, “May someone serve simultaneously on the planning board and the ZBA?” That is an impossible situation; the legislature should not create that kind of confusion.

The full House is likely to vote on the bill in two weeks, on **Thursday, February 7**. We encourage small-town officials (and any others) to contact their representatives to explain the serious problems this bill will create. Please ask your representatives to ***vote down the committee recommendation and then support a motion of Inexpedient to Legislate on HB 143.***

## A Blurb Ban!

We commented in these pages a few years ago about the anomaly that in an institution known for its formal, polite language—a recommendation to kill a bill is phrased as “inexpedient to legislate,” and a legislator is referred to as “the gentleman from Manchester”—one bit of colloquial language endured: “blurb.” That is the term that, for as long as anyone can remember, House members have used to refer to the committee report that is written for each bill and included in the House calendar. It has always struck the *Bulletin* editors as curious. After serious, careful consideration, a committee’s recommendation is described as something that sounds like a crude bodily function.

Now comes word that House leadership has asked members to remove “blurb” from their vocabularies. From now on, committee chairs will be asking, quite properly, “Who will write the report?” rather than “Who will write the blurb?”

Old habits die hard. As of this week, representatives were still “blurbing” and then apologizing. We expect this transition to take some time, but we believe it’s a worthwhile effort.

## HOUSE CALENDAR

### TUESDAY, JANUARY 29, 2019

#### **EDUCATION, Rooms 210-211, LOB**

- 1:30 p.m. **HB 713-FN-L**, relative to education funding.
- 2:15 p.m. **HB 711-FN-L**, relative to funding an adequate education.
- 3:00 p.m. **HB 709-FN-A-L**, relative to the formula for determining funding for an adequate education.

#### **ELECTION LAW, Room 308, LOB**

- 10:00 a.m. **HB 505**, allowing voters to vote for multiple candidates for an office.
- 10:30 a.m. **HB 531**, relative to the delivery of absentee ballots cast by elderly or disabled citizens.
- 11:00 a.m. **HB 556**, allowing municipalities to process absentee ballots prior to election day.
- 11:30 a.m. **HB 554**, relative to the duty of the moderator to verify the device count.
- 1:00 p.m. **HB 535-FN-L**, relating to early voting for persons aged 60 or older.
- 2:00 p.m. **HB 706-FN-A**, establishing an independent redistricting commission. **NHMA Policy.**

#### **ENVIRONMENT AND AGRICULTURE, Room 303, LOB**

- 10:00 a.m. **HB 151**, relative to the definition of “agriculture.”
- 10:30 a.m. **HB 663**, relative to the definition of agriculture and existing agricultural uses.
- 1:45 p.m. **HB 617**, establishing a committee to study recycling streams in New Hampshire.

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

- 10:00 a.m. **HB 387**, clarifying change of use occupancy classifications.
- 10:30 a.m. **HB 562**, relative to the state building code.
- 1:00 p.m. **HB 710-FN**, relative to adoption of state building code and fire code amendments.
- 1:45 p.m. **HB 524**, relative to child day care agencies compliance with local codes.
- 2:30 p.m. **HB 343**, relative to application of the state fire code to foster homes.

#### **MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

- 10:00 a.m. **HB 128**, relative to a property tax exemption for disabled veterans.
- 10:30 a.m. **HB 129**, relative to property taxes for residents 65 years of age and older.
- 11:00 a.m. **HB 130-L**, relative to property tax relief for totally and permanently disabled veterans.

**MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

- 11:30 a.m. **HB 144**, relative to changes in property assessments.
- 1:00 p.m. **HB 207**, allowing towns and cities to adopt a property tax credit against education taxes for certain persons over 55 years of age.
- 1:30 p.m. **HB 266-L**, relative to the elderly property tax exemption.
- 2:30 p.m. **HB 641-L**, allowing municipalities to collect an occupancy fee from operators of local room rentals. **NHMA Policy.**

**TRANSPORTATION, Room 203, LOB**

- 1:30 p.m. **HB 517-FN-L**, repealing municipal permits for registration of vehicles.

**WAYS AND MEANS, Room 202, LOB**

- 10:00 a.m. **HB 686-FN-A-L**, relative to calculating and funding the interim cost of an opportunity for an adequate education and extending the interest and dividends tax to capital gains.
- 11:00 a.m. **HB 676-FN-A-L**, repealing the collection of the state education property tax.

**WEDNESDAY, JANUARY 30, 2019**

**ELECTION LAW, Room 308, LOB**

- 10:00 a.m. **HB 728-FN**, relative to ranked-choice voting.
- 11:00 a.m. **HB 593**, relative to updating official voter checklists.
- 11:30 a.m. **HB 603**, relative to procedures for apportioning electoral districts.
- 1:00 p.m. **HB 611-FN**, allowing voters to vote by absentee ballot.
- 1:30 p.m. **HB 643**, relative to the date of the state primary election.
- 3:00 p.m. **HB 718-FN-L**, relative to instant voting in elections.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

- 11:00 a.m. **HB 675-FN**, relative to the purchase of service credit in the state retirement system.
- 1:00 p.m. **HB 629-FN-L**, establishing a state defined contribution retirement plan for state and political subdivision members of the retirement system.
- 2:00 p.m. **HB 616-FN**, relative to a cost of living adjustment for retirees in the state retirement system.

**JUDICIARY, Room 208, LOB**

- 11:00 a.m. **HB 729-FN-A**, establishing a citizen's right-to-know appeals commission and a right-to-know law ombudsman and making an appropriation therefor.

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB**

- 10:00 a.m. **HB 253**, relative to criminal records checks in the employee application process.
- 11:00 a.m. **HB 532**, relative to payment for earned but unused vacation or personal time.
- 1:00 p.m. **HB 272**, relative to temporary workers.

**MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

- 1:30 p.m. **HB 415**, relative to the official ballot referendum form of town meetings. **NHMA Policy.**
- 2:00 p.m. **HB 469**, relative to limiting amendments to warrant articles in towns that have adopted official ballot voting.
- 2:30 p.m. **HB 553**, relative to the amendment of petitioned warrant articles.
- 3:00 p.m. **HB 618-L**, relative to the definition of contracts relative to official ballot default budgets.



*(House Calendar— Continued from Page 8)*

**SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB**

11:15 a.m.      **HB 635-L**, enabling a payment in lieu of taxes for a combined heat and power agricultural facility.

**WAYS AND MEANS, Room 202, LOB**

11:00 a.m.      **HB 700**, relative to valuation of utility company assets for local property taxation.

**SENATE CALENDAR**

**TUESDAY, JANUARY 29, 2019**

**COMMERCE, Room 103, SH**

1:15 p.m.      **SB 59-FN**, adding post traumatic stress disorder and acute stress disorder to the definition of “injury” for purposes of workers’ compensation and reestablishing the commission to study the incidence of post-traumatic stress disorder in first responders.

1:45 p.m.      **SB 99-FN**, relative to gainful employment and partial disability in workers’ compensation.

**ENERGY AND NATURAL RESOURCES, Room 103, SH**

11:40 a.m.      **SB 202-FN-A**, establishing a stormwater management and flood resilience fund within the department of environmental services.

**WEDNESDAY, JANUARY 30, 2019**

**ELECTION LAW AND MUNICIPAL AFFAIRS, Room 102, LOB**

9:00 a.m.      **SB 44**, relative to election procedures, delivery of ballots, and assents to candidacy.

9:45 a.m.      **SB 45**, relative to electioneering at polling places.

10:15 a.m.      **SB 69**, relative to short-term rentals. **NHMA Policy.**

10:45 a.m.      **SB 153**, establishing state holidays for biennial state primary elections and quadrennial presidential primary elections.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 101, LOB**

9:00 a.m.      **SB 173-FN**, relative to criminal history background checks by employers and public agencies.

**New 2019 House Bills**

HB 539-FN requires that the secretary of state provide technical assistance to political subdivisions relating to the implementation of the One4all accessible voting system in municipal elections. Rep. Berrien of Exeter; **M&CG**. **This bill was erroneously listed as HB 529-FN in Bulletin #4.**

HB 603 establishes procedures and guidelines for apportioning electoral districts after the decennial census using a mathematical optimization process. Rep. Knirk of Freedom; **EL**.

HB 617 establishes a committee to study recycling streams in New Hampshire. Rep. Ebel of New London; **E&A**.

HB 706-FN-A establishes an independent redistricting commission. **NHMA Policy.** Rep. M. Smith of Durham; **EL**.

*(House Bills— Continued from Page 9)*

HB 707 requires that costs recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund be deposited in such fund. Rep. Notter of Merrimack; **RR&D.**

HB 709-FN-A-LOCAL increases the base per pupil cost for an adequate education; increases differentiated aid available to eligible pupils; establishes fiscal capacity disparity aid to municipalities based on equalized valuation per pupil; requires school districts to report on the use of adequate education grant funds; amends the law governing transportation of pupils in kindergarten through grade 12; and repeals stabilization grants to municipalities. Rep. Ladd of Haverhill; **EDUC-H.**

HB 710-FN revises the procedure for amendment to the state building code, requires the state building code review board to maintain a publicly accessible list of applicable building codes and amendments, and exempts amendments to the state fire code that are adopted as emergency rules from rulemaking requirements under RSA 541-A. Rep. McGuire of Epsom; **ED&A-H.**

HB 711-FN-LOCAL deletes stabilization grants, increases the base adequacy aid per student, and clarifies the consumer price index adjustment to the cost of an adequate education. Rep. Fellows of Holderness; **EDUC-H.**

HB 713-FN-LOCAL amends the education funding formula. Rep. Weyler of Kingston; **EDUC-H.**

HB 718-FN-LOCAL provides for instant voting in presidential primary elections. Rep. Komi of Manchester; **EL.**

HB 722-FN permits the sale of marijuana from locally-permitted marijuana retail establishments to person 21 years of age or older without criminal penalty. Rep. Hunt of Rindge; **CJ&PS.**

HB 724-FN bans credit checks for any employment-related decisions, requires employers to allow a certain amount of rest between work shifts, gives employees advance notice of work schedules, and increases the minimum hourly rate of tipped employees to the minimum hourly rate for all employees. Rep. Read of Newmarket; **LABOR.**

HB 728-FN establishes procedures for ranked-choice voting for federal and state offices. Rep. Read of Newmarket; **EL.**

HB 729-FN-A establishes the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and establishes an alternative process to resolve right-to-know complaints. Rep. Weyler of Kingston; **JUD-H.**

HB 731-FN increases the state minimum hourly rate for employees and allows a municipality to establish a minimum hourly rate that is greater than the state minimum hourly rate. Rep. Schultz of Concord; **LABOR.**

HB 734-FN-LOCAL suspends the 4 percent annual reduction in stabilization grants for 2 years. Rep. Abbott of Hinsdale; **F-H.**

## New 2019 Senate Bills

SB 47 limits the number of inspectors of election at each polling place to 2 for each major political party, disqualifies certain inspectors of election from performing the duties of an election officer, and permits certain inspectors of election to handle marked ballots and count votes. Sen. Gray of Rochester; **EL&MA**.

SB 54-FN exempts certain licensed fuel distributors from obtaining a surety bond for road toll liability. Sen. Bradley of Wolfeboro; **TRANS-S**.

SB 56 establishes a committee to study motor vehicle registrations of active duty military personnel. Sen. Carson of Londonderry; **TRANS-S**.

SB 59-FN adds post-traumatic stress disorder and acute stress disorder to the definition of “injury” for purposes of workers’ compensation and reestablishes the commission to study the incidence of post-traumatic stress disorder in first responders. Sen. Birdsell of Hampstead; **COM-S**.

SB 60 requires employers with 15 or more employees in this state to provide employees with advance notice of the work schedule. Sen. Fuller Clark of Portsmouth; **COM-S**.

SB 69 defines and enables towns to license and regulate short-term rentals. **NHMA Policy**. Sen. Fuller Clark of Portsmouth; **EL&MA**.

SB 74-FN-A increases the fee assessed in addition to register of deeds recording fees used to support the land and community heritage investment program. Sen. Fuller Clark of Portsmouth; **ENR**.

SB 77-FN clarifies the process for a defendant in an animal cruelty case to post a bond for the cost of care of the animals after conviction in order to retain a legal interest in the animals through an appeal process. Sen. Bradley of Wolfeboro; **ENR**.

SB 79 requires towns to report certain information to the department of environmental services relative to solid waste reduction. Sen. Feltes of Concord; **ENR**.

SB 84-FN-A makes an appropriation to the department of health and human services to expand homeless services. Sen. Rosenwald of Nashua; **F-S**.

SB 95-FN establishes a working families property tax refund program for a portion of state education property taxes paid by taxpayers who claimed the federal child and dependent care tax credit pursuant to Internal Revenue Code Section 21. Sen. Cavanaugh of Manchester; **W&M-S**.

SB 99-FN clarifies the definition of gainful employment for purposes of workers’ compensation, and clarifies compensation for temporary partial disability and permanent partial disability. Sen. Cavanaugh of Manchester; **COM-S**.

SB 100 prohibits discrimination in employment based on criminal background checks. Sen. Feltes of Concord; **COM-S**.

SB 103-LOCAL permits towns to issue multi-town bonds for any project. Sen. Dietsch of Peterborough; **EL&MA**.

*(Senate Bills— Continued from Page 11)*

SB 104-LOCAL provides for the postponement of town, city, village district and school district elections in the event of a winter storm warning, blizzard warning, or ice storm warning. Sen. Gray of Rochester; **EL&MA.**

SB 113 requires the building code review board to review and approve local amendments to the state building code, requires the fire marshal to review and approve local fire safety codes and ordinances, and prohibits municipalities from imposing a fee to appeal the decision of a code compliance official. Sen. Carson of Londonderry; **ED&A-S.**

SB 122-FN increases the amount from the sale of carbon allowances that is distributed to municipalities and school districts for energy efficiency projects. Sen. Fuller Clark of Portsmouth; **ENR.**

SB 134-FN modifies the definitions applicable to the meals and rooms tax and clarifies provisions of the meals and rooms tax law administered by the department of revenue administration. Sen. Giuda of Warner; **W&M-S.**

SB 146-FN eliminates the waiting period before eligibility to receive unemployment benefits. Sen. Feltes of Concord; **COM-S.**

SB 148 requires an employer to provide written notice to any person hired for employment with the state or any of its political subdivisions regarding the employee's constitutional right to decide whether to join a union and the estimated annual cost to the employee of joining a union. Sen. Giuda of Warren; **COM-S.**

SB 149 provides for the voluntary application of the uniform prudent management of institutional funds act to certain charitable trusts. Sen. Carson of Londonderry; **COM-S.**

SB 151-FN establishes an administrative hearing procedure and penalty for employers who fail to make payment of wages as required by law and for employers who fail to secure required workers' compensation coverage. Sen. Feltes of Concord; **COM-S.**

SB 152 requires that planning boards that mandate third party inspection during construction processes develop a scope for the inspection and solicit inspection proposals from multiple bidders before selecting an inspector. Sen. Kahn of Keene; **EL&MA.**

SB 153 establishes state holidays for biennial state primary elections and quadrennial presidential primary elections. Sen. Kahn of Keene; **EL&MA.**

SB 154 enables municipalities to adopt a credit against property taxes assessed on certain workforce housing. Sen. Bradley of Wolfeboro; **EL&MA.**

SB 157 requires that any inspectors of election appointed by selectmen to fill unappointed inspector positions shall be made in equal numbers from both major political parties and from undeclared voters. Sen. Levesque of Brookline; **EL&MA.**

SB 158 clarifies authorization to pay for town or city membership in a nonprofit, nonpartisan organization of cities and towns, and prohibits the recipient of a grant or appropriation of county or

municipal funds from using such funds to engage in lobbying activities. Sen. Giuda of Warren; **EL&MA.**

SB 159 increases the electric generating capacity of customer generators that may participate in net energy metering and modifies the transition of tariffs applicable to certain customer-generators. **NHMA Policy.** Sen. Bradley of Wolfeboro; **ENR.**

SB 163 requires the department of environmental services to act upon a permit application for a solid waste facility no later than 180 days after the application is deemed complete. Sen. Carson of Londonderry; **ENR.**

SB 164 establishes a committee to study the long-term sustainability of the drinking water and groundwater trust fund. Sen. Chandley of Amherst; **ENR.**

SB 169 requires costs that are recovered from damages awarded in cases of hazardous waste clean up after expenditures from the drinking water and groundwater trust fund to be deposited in such fund. Sen. Morse of Salem; **F-S.**

SB 171-FN-A appropriates money to the drinking water and groundwater trust fund. Sen. Morse of Salem; **F-S.**

SB 202-FN-A establishes a stormwater management and flood resilience fund within the department of environmental services. Sen. Watters of Dover; **ENR.**

SB 204 modifies the regulation of distributed energy resources of electric utilities, provides for electric consumer energy storage systems, and enables municipalities to adopt a property tax exemption for electric energy storage systems. Sen. Watters of Dover; **ENR.**

SB 221 establishes a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for funding improvements to roads and bridges. Sen. Starr of Franconia; **TRANS-S.**

SB 229-FN requires the secretary of state to perform audit recounts of towns and wards representing 5 percent of the votes cast after each general election. Sen. Fuller Clark of Portsmouth; **EL&MA.**

SB 238-FN provides for a no-fee municipal permit to register a motor vehicle owned by any veteran who is a former prisoner of war, was awarded the Purple Heart medal, or survived Pearl Harbor. Sen. Birdsell of Hampstead; **TRANS-S.**

SB 243-FN increases the income limitations for applications for the low and moderate income homeowners property tax relief program, and provides for adjustment of the limitations according to the Consumer Price Index. Sen. Morgan of Brentwood; **W&M-S.**



### 2019 NHMA UPCOMING EVENTS FOR MEMBERS

|        |  |
|--------|--|
| Feb 13 | Webinar: Something's in the Air: Outdoor Wood Boilers and Open Burning Regulations |
| Feb 16 | 2019 Moderators Workshop for Traditional Town Meeting                              |
| Mar 13 | Webinar: The Right-to-Know Law and Governmental Records                            |

To register for an upcoming event, go to our website: [www.nhmunicipal.org](http://www.nhmunicipal.org) and scroll down on the left under CALENDAR OF EVENTS. Click on the green bar *View the Full Calendar* and go to the workshop or webinar you are interested in. For more information, please call NHMA's Workshop registration line: (603) 230-3350.