

LEGISLATIVE BULLETIN

Bonding for Broadband

On **Thursday, January 12, at 2:30 p.m., in LOB Room 304**, the House Committee on Science, Technology and Energy will hear testimony on [HB 191](#), an **NHMA policy bill** that would authorize towns to issue bonds to pay for broadband infrastructure. This issue, which is critical to a number of towns in the northern and western parts of the state, has been in the legislature for years. Similar bills have been killed routinely because of the influence of the telecommunications industry, which does not want any “competition” from municipalities, and yet has failed to provide broadband access to many areas of the state.

NHMA’s members adopted a policy in September in support of legislation “clarifying that municipalities may incur debt for the purpose of creating or improving broadband and other utility infrastructure.” **HB 191** has strong bipartisan sponsorship, but when a similar bill came up for a hearing last year, the turnout in support was anemic. If your municipality is interested in this issue, you need to be at the hearing and/or contact members of the [committee](#).

Gunfight at the ASB Corral

On **Tuesday, January 10, at 11:30 a.m., in LOB Room 306**, the House Executive Departments and Administration Committee will hear testimony on [HB 254](#), which would make significant changes to the composition of the Assessing Standards Board. That board is responsible for recommending standards and legislation relative to administration of the property tax and assessment of real property.

The board currently comprises the following members:

- Four legislators;
- Four local assessing officials;
- Two town officials and one city official who are not assessors;
- A representative of the Department of Revenue Administration; and
- Three members of the public, none of whom may currently be an assessor or a municipal official.

Bulletin 02 — 2017 Session
January 6, 2017

INSIDE THIS ISSUE

Unbalanced RTK Commission	2
The Edge	2
New Governor	3
Legislative Webinar	4
House Calendar	4
Senate Calendar / New Bills	5
NHMA Events	8

GOVERNMENT AFFAIRS CONTACT INFORMATION

Judy A. Silva, Executive Director

Cordell A. Johnston, Government
Affairs Counsel

Barbara T. Reid, Government
Finance Advisor

Timothy W. Fortier, Communica-
tions & Member Services Coordinator



25 Triangle Park Drive
Concord NH 03301
Tel: 603.224.7447
governmentaffairs@nhmunicipal.org
Website: www.nhmunicipal.org

The bill would change the composition by: eliminating two of the four assessor seats and one of the town official seats; adding a fifth legislator; requiring that none of the members of the public *have ever been* an assessor or municipal official; and requiring that one of the members of the public be a residential property taxpayer, another be a commercial property taxpayer, and the third be a utility company representative. As a result, the total membership would be reduced to 13, only two of whom (or three, counting the DRA representative) would be permitted to have any assessing experience.

The idea that a board that recommends assessing standards should have as little assessing expertise as possible seems counterintuitive, but so be it. It does leave us wondering why the bill does not eliminate *all* assessors from the board. Perhaps that was seen as too obvious—but if subtlety was the goal, the requirement of including a public utility representative leaves little doubt about the ultimate intent, or who is behind the legislation.

As for the individuals currently serving on the board, the bill would result in the immediate removal of the chairman, the vice chairman, the longest-serving member, and two others. Another odd result is that both of the current town officials on the board would remain qualified, but there would be only one seat for a town official, so it is not known which one would be removed. We suspect a duel may be required.

If any of your representatives are on [the committee](#), please share your thoughts with them.

Hey! What About Us?

On **Wednesday, January 11, at 10:45 a.m., in LOB Room 208**, the House Judiciary Committee will hear testimony on [HB 178](#), which establishes a commission to study processes to resolve Right-to-Know Law complaints. The make-up of the commission includes one member each from the House and the Senate, the attorney general, a person who has brought a Right to Know suit *pro se* (without a lawyer), a citizen appointed by the Governor, and representatives of the NH Press Association, Right to Know New Hampshire, and the NH Civil Liberties Union—each appointed by their respective organizations. It also includes **one** member from local government—appointed by the Governor.

Really?

There are 234 cities and towns in New Hampshire, hundreds of school districts, about 90 village districts, and ten counties. They get one representative among them, and they don't even get to make the appointment? How disappointing—and short-sighted in terms of getting a good result from the work of the commission.

THE EDGE

Committee comings and goings

Hardcore legislature watchers may have noticed that when House committee assignments were announced about two weeks ago, no one was assigned to the Children and Family Law Committee. That is because the committee was slated for retirement. But this week it's back. What happened?

House and Senate rules establish the standing committees for each chamber. Absent a change to the rules, each standing committee will exist perpetually. Some years there are a few changes to the standing committees, and some years there are none.

For example, a decade ago the House amended its rules to create a Local and Regulated Revenues Committee. The committee existed for four years, until there was a leadership change and the rules were amended to eliminate the committee.

The Senate seems to change its committee structure more frequently, although not drastically. For example, for some time the Senate had an Internal Affairs Committee, but several years ago that was folded into another committee to create the Rules, Enrolled Bills and Internal Affairs Committee. This year, the

Continued on next page

The duties of the commission sound pretty good:

The commission shall study alternative processes to resolve right-to-know complaints consistent with the following:

- (1) Encouraging resolution of right-to-know complaints directly between citizens and public agencies and bodies.
- (2) Reducing the burden and costs of right-to-know complaints on the courts.
- (3) Reducing the burden and costs of right-to-know complaints on public agencies and bodies.
- (4) Reducing the burden and costs of right-to-know complaints on citizens aggrieved by violations of RSA 91-A.
- (5) Increasing awareness and compliance with the right-to-know law to minimize violations.

Those are all things that NHMA is interested in, on behalf of its members. In fact, NHMA staff spend a large percentage of their time addressing Right-to-Know questions from members and offering instruction, through publications, webinars, and workshops, on how to comply with the Right to Know law. NHMA does far more to enhance understanding of, and compliance with, the Right-to-Know Law than any other organization in the state.

So why would there be no representative from NHMA on the commission, and why only one member representing all forms of local government, whom local governments don't even get to appoint? NHMA could support this bill if it provided for balanced representation on the commission, and we will propose an amendment to do that.

Congratulations, Governor Sununu!

Congratulations to Governor Sununu on his inauguration Thursday! Many local officials first met Governor Sununu when he attended NHMA's Gubernatorial Forum after last September's primary. He said a number of things municipal officials liked hearing—he emphasized, for example, the importance of infrastructure support and the need to re-establish at least a small level of state retirement contributions for teachers, police, and firefighters. We look forward to working with the Governor and his staff, as well as all Representatives and Senators. As a reminder to all, NHMA is a strictly nonpartisan organization, and staff members abide by that requirement scrupulously. We work well with both sides of the aisle, and the legislative policies adopted by our members are what guide our efforts..

THE EDGE (Continued)

Senate took "Internal Affairs" out of that title and created a new committee, Election Law and Internal Affairs. That was accomplished by an amendment to the Senate rules when it met in December. This was the only change in Senate committees.

Getting back to the Children and Family Law Committee, the proposal to eliminate it required an amendment to the House rules. That amendment was moved when the House met this week, but the motion failed on a vote of 172-196. Thus, the Children and Family Law Committee survives.

This created a complication, because committee assignments had already been made in contemplation of that committee's disappearance. One solution would have been to pull members from some of the other committees and reassign them. Instead, it appears that the other committees have remained intact, and a number of members will serve on Children and Family Law as a second committee.

◆◆◆◆◆◆◆◆◆◆

Legislative Webinar POSTPONED

NHMA's Legislative Preview webinar that had been scheduled for next Wednesday, January 11, had been postponed because—of all things—NHMA staff members need to be at the legislature that day. (The legislature surprised us by scheduling a bunch of hearings earlier than it typically does in the first year of a legislative term.) The new date is **Monday, January 30, at noon**. We apologize for the inconvenience.

HOUSE CALENDAR

TUESDAY, JANUARY 10, 2017

ELECTION LAW, Room 308, LOB

- 11:50 a.m. **HB 218**, relative to activities at polling places.
12:10 p.m. **HB 253**, relative to campaign materials at the polling place.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

- 11:30 a.m. **HB 254**, relative to membership on the assessing standards board.

WEDNESDAY, JANUARY 11, 2017

JUDICIARY, Room 208, LOB

- 10:00 a.m. **HB 170**, relative to posting notice and minutes of public meetings on the public body's website.
10:45 a.m. **HB 178**, establishing a commission to study processes to resolve right-to-know complaints.
11:15 a.m. **HB 183**, establishing a commission to study costs of requests for information under the right-to-know law.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 117**, relative to the property tax exemption for improvements to assist persons with disabilities.
11:15 a.m. **HB 145**, requiring municipal approval for siting high voltage transmission lines.
1:45 p.m. **HB 182**, relative to the adoption of a default budget.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

- 11:30 a.m. **HB 173**, relative to regulations restricting the use of water for outdoor usage.

TRANSPORTATION, Room 203, LOB

- 2:30 p.m. **HB 234**, relative to alteration of speed limits.

THURSDAY, JANUARY 12, 2017

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

- 2:30 p.m. **HB 191-L**, relative to the authority of towns to issue bonds for the expansion of Internet service. **NHMA Policy**.

TUESDAY, JANUARY 17, 2017

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

1:00 p.m. **HB 101-FN**, relative to certification for solid waste operators.

WEDNESDAY, JANUARY 18, 2017

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:30 a.m. **HB 258**, relative to the submission and approval of subsurface sewage disposal system plans.

TRANSPORTATION, Room 203, LOB

1:00 p.m. **HB 193**, relative to traffic control measures.

2:00 p.m. **HB 154**, relative to interference with traffic devices.

SENATE CALENDAR

TUESDAY, JANUARY 10, 2017

COMMERCE, Representatives' Hall, SH

1:00 p.m. **SB 11-FN**, prohibiting collective bargaining agreements that require employees to join or contribute to a labor union.

ENERGY AND NATURAL RESOURCES, Room 103, SH

9:15 a.m. **SB 30**, defining woodland buffers and relative to such woodland buffers for the purposes of the shoreland protection act.

JUDICIARY, Room 100, SH

9:00 a.m. **SB 12-FN**, repealing the licensing requirement for carrying a concealed pistol or revolver.

TRANSPORTATION, Room 103, LOB

1:15 p.m. **SB 14**, relative to the use of amber lights by plow operators.

New 2017 House Bills

CACR 7 provides that the general court shall have the authority to define standards for education, establish standards of accountability, and mitigate local disparities in educational opportunity and fiscal capacity, and have full discretion to determine the amount of state funding for education. Rep. Itse of Fremont; **EDUC-H**.

HB 154 exempts public transit bus operators from the prohibition on using a device to change, disrupt, or interfere with the operation of a traffic signal. Rep. Higgins of Hanover; **TRANS-H**.

HB 163 states that any municipality that adopts an ordinance pertaining to off highway recreational vehicles shall be responsible for enforcement of the ordinance. Rep. Steven Smith of Charlestown; **M&CG**.

HB 165 prohibits certain disqualified election officers from handling any ballots, whether marked or not. Rep. Richardson of Lancaster; **EL**.

HB 168 updates the definition of the state fire code to include the 2015 edition of the Uniform Fire Code NFPA 1. Rep. Ladd of Haverhill; **ED&A-H**.

HB 170 requires notice of meetings and minutes of public meetings to be posted on the public body's Internet website, if one exists. Rep. Comeau of Brookfield; **JUD-H**.

HB 171 prohibits the state and its political subdivisions from assisting a federal agency in the collection or use of a person's electronic data without consent or a warrant. Rep. Kurk of Weare; **ED&A-H**.

HB 173 extends the authority of selectmen to restrict outdoor water usage. Rep. J. Graham of Bedford; **RR&D**.

HB 177 repeals a provision authorizing a student to claim domicile for voting purposes in the town or city in which he or she lives while attending school. Rep. Silber of Gilford; **EL**.

HB 178 establishes a commission to study processes to resolve right-to-know complaints. Rep. Weyler of Kingston; **JUD-H**.

HB 181 requires an owner of land that abuts a private road to repair and maintain his or her share of the road. Rep. Chirichiello of Derry; **PW**.

HB 182 permits a political subdivision to require the default budget to be placed on the ballot as a separate contingent warrant article if the operating budget is defeated and to call a special meeting to adopt a revised operating budget if both the operating budget and the contingent default budget are defeated. Rep. Ammon of New Boston; **M&CG**.

HB 183 establishes a commission to study cost of requests for information under the right-to-know law. Rep. Chirichiello of Derry; **JUD-H**.

HB 186 limits the liability of a person acting as a sports official at certain athletic events. Rep. L'Heureux of Merrimack; **JUD-H**.

HB 191-LOCAL permits municipalities to issue bonds for the purpose of providing or expanding Internet service. **NHMA Policy**. Rep. Leishman of Peterborough; **STE**.

HB 193 permits cities and towns to adopt bylaws and ordinances relative to temporary traffic control measures, subject to certain limitations. Rep. Harrington of Strafford; **TRANS-H**.

HB 194 permits employers to pay wages to employees weekly or biweekly. Rep. Hill of Northfield; **LABOR**.

HB 202 requires a state agency head to notify a municipality's governing body and legislative delegation of the relocation of the agency's office within the municipality. Rep. Cloutier of Claremont; **ED&A-H**.

HB 203-FN-A establishes an independent redistricting commission. **NHMA Policy.** Rep. Cote of Nashua; **EL.**

HB 204-FN permits certain inhabitants to have access to bonds issued to indemnify public and municipal employees. Rep. Marple of Hooksett; **ED&A-H.**

HB 205-FN prohibits, with certain exceptions, a person from flying a drone above a state or county correctional facility or a municipal jail. Rep. Cushing of Hampton; **CJ&PS.**

HB 209 provides that, if Massachusetts adopts Atlantic standard time, the state of New Hampshire shall also adopt the Atlantic standard time. Rep. Murphy of Bedford; **ED&A-H.**

HB 212-FN-LOCAL expands the type of public functions for which a person may request a police detail and allows a police officers from other counties or state agencies to serve as such detail. Rep. Steve Smith of Charlestown; **M&CG.**

HB 218 prohibits distributing campaign materials and electioneering inside the polling place. Rep. T. Smith of Manchester; **EL.**

HB 223 prohibits the recipient of a grant or appropriation of county or municipal funds from using such funds to engage in lobbying activities. Rep. Cordelli of Tuftonboro; **M&CG.**

HB 230 changes the referendum procedure for public water systems. Rep. Fraser of New Hampton; **M&CG.**

HB 234 authorizes a municipal governing body to reduce the speed limit on a class V highway. Rep. Barnes of Salem; **TRANS-H.**

HB 235 allows the use of an assisted living facility photo identification card for voter identification purposes. Rep. Gottling of Sunapee; **EL.**

HB 238 establishes a broadband study committee. Rep. Roberts of Wilton; **STE.**

HB 239 establishes a committee to study reducing the cost of county government. Rep. Cordelli of Tuftonboro; **M&CG.**

HB 247 requires voter registration forms to be retained by the city or town clerk, rather than by the supervisors of the checklist. Rep. Hoelzel of Raymond; **EL.**

HB 251 establishes an optional procedure authorizing towns and districts to adopt warrant articles that permit the governing body to propose operating budgets that raise appropriate amounts for payment into a capital reserve fund. Rep. Sterling of Jaffrey; **M&CG.**

HB 252 clarifies the procedure for pro se litigants under the right-to-know law. Rep. M. Smith of Durham; **JUD-H.**

HB 253 eliminates the prohibition on wearing campaign materials intended to influence voters at the polling place. Rep. Comeau of Brookfield; **EL.**

HB 254 revises the membership of the assessing standards board by adding a legislative member, reducing the number of members who are municipal or assessing officials, and requiring that public members have no assessing experience. Rep. Abrami of Stratham; **ED&A-H**.

HB 258 makes various changes to the process for submission and approval of subsurface sewage disposal system plans. Rep. Sprague of Somersworth; **RR&D**.

HB 265 authorizes a municipality to limit the right to have an accessory dwelling unit for certain single-family dwellings. Rep. Matthews of Raymond; **M&CG**.

New 2017 Senate Bills

SB 11-FN prohibits collective bargaining agreements that require employees to join or contribute to a labor union. Sen. Reagan of Deerfield; **COM-S**.

SB 12-FN increases the length of time for which a license to carry a pistol or revolver is valid and repeals the requirement to obtain a license to carry a concealed pistol or revolver. Sen. Bradley of Wolfeboro; **JUD-S**.

SB 14 eliminates the requirement that a plow operator be actively engaged in plowing in order to use amber lights. Sen. Feltes of Concord; **TRANS-S**.

SB 19 prohibits amendments to petitioned warrant articles that have been submitted to the department of revenue administration. Sen. Birdsell of Hampstead; **PMA**.

SB 30 defines woodland buffer under the shoreland protection act and makes changes to the measurements of woodland buffers and waterfront buffers. Sen. Bradley of Wolfeboro; **ENR**.

Please visit our [website](#) for upcoming NHMA events. See CALENDAR OF EVENTS on the left and click *View the Full Calendar*; scroll down to the event you are interested in to register (NHMA Members only).

February 11, 2017 Moderator's Workshop for Traditional Town Meeting

Postponed to
January 30, 2017 NHMA Webinar: 2017 State Legislative Preview: Now What?

February 8, 2017 NHMA Webinar: Right-to-Know Law