

LEGISLATIVE BULLETIN

Bulletin #14

2013 Session

March 22, 2013

INSIDE THIS ISSUE:

<i>Budget Moving through Finance Committee</i>	2
<i>Policy Bills Advance</i>	3
<i>Notification to Retirees</i>	3
<i>Broadband Bill Retained</i>	3
<i>Senate Calendar</i>	4
<i>Floor Action</i>	4
<i>Local Officials Workshops</i>	7

**Government Affairs
Contact Information**

Judy A. Silva

Interim Executive Director

Cordell A. Johnston

Government Affairs Counsel

Barbara T. Reid

Government Finance Advisor

Timothy W. Fortier

Government Affairs Advocate



25 Triangle Park Drive

Concord, NH 03301

Tel: 603.224.7447/Fax: 603.415.3090

NH Toll Free: 800.852.3358

Email: governmentaffairs@nhlgc.org

Website: www.nhmunicipalassociation.org

Good-Bye and Hello

Last week marked the end, or in some cases just a short suspension, of public service for many selectmen, town clerks, treasurers, tax collectors, land use board members, and other local officials. We thank all of you for the time and energy you have devoted to public service, including your work on behalf of NHMA. For those who have never served in local government, it is difficult to appreciate how much work and time are involved, and how thankless the task can be. We hope you will enjoy your time off.

Meanwhile, we enthusiastically welcome all of the new officials. We look forward to working with you in the coming years. Please be sure to let us know the e-mail addresses of the new officials in your town who should be receiving the Legislative Bulletin, so we can provide them with the latest legislative news. You can e-mail address changes to [gov-ernmentaffairs@nhlgc.org](mailto:governmentaffairs@nhlgc.org).

Some who are new to local government may not fully appreciate the extent to which state legislation affects what happens at the local level—but you will learn quickly. We hope you will read the *Legislative Bulletin*, get to know your legislators, think about what you can do to influence state policy, and let us know when you have questions or ideas.

House to Vote on Gas Tax Again

As we reported in last week's *Bulletin*, **HB 617**, an **NHMA policy bill** dealing with the gas tax increase, was sent to a second committee for consideration. This week, the House Ways and Means Committee voted to amend the proposal from a 15-cent increase over four years to a 12-cent increase over three years (a four-cent increase in each of the next three years). While raising less revenue than the previous version of the bill, the committee amendment would still provide significant increases in highway block grant funding to municipalities – an estimated increase of \$3.5 million in fiscal year 2014 to over \$11 million in fiscal year 2019 and beyond, for an estimated increase of nearly \$100 million over the next ten years. This is in addition to the increased funding the state would receive for maintenance of state highways and bridges. Click [here](#) to see a revised spreadsheet showing the estimated increases in highway block grant funding on a town-by-town basis over the next ten years.

Gas Tax Increase - continued

The amendment also clarifies that the unrefunded road tolls (*i.e.*, the portion of the tax attributed to gasoline purchased for boats, jet skis, snowmobiles and other non-highway uses) associated with the 12-cent increase will be retained in the highway fund, rather than distributed to other state agencies.

The full House will vote again on **HB 617** next Wednesday or Thursday, March 27 or 28. ***While this bill has already passed the House once, it is imperative that the bill not only pass again, but arrive in the Senate with a strong showing of support. Please contact your representatives and urge their support of HB 617.***

First of Three Steps in House Budget Process Completed

This week the three House Finance subcommittees, known as “Divisions,” completed work on their respective sections of **HB 1** and **HB 2**, the state biennial operating budget and the trailer bill that enacts statutory changes necessary to implement the budget. Division review of the Governor’s proposed budget is the first of three steps in the House process of adopting a state budget for the two-year period beginning July 1, 2013. Each division is scheduled to present its budget recommendations to the full Finance Committee on **Monday, March 25**. The second step in the process will be a vote on the budget by the Finance Committee later in the week. After the Finance Committee votes, the budget will be presented to the full House for action by April 4, and will then cross over to the Senate for its review.

The divisions faced a significant challenge in crafting a balanced budget, since they were asked to do so without relying on the \$80 million in revenue from gambling licenses that was included in the Governor’s proposed budget. In other words, they began their deliberations with an \$80 million hole to be filled by budget reductions.

NHMA’s focus was on the work of Division I, which handles general government agencies, including the Departments of Revenue Administration, Treasury, and Environmental Services, the New Hampshire Retirement System, the judicial branch, and others. Division I concurred with the Governor’s recommendation of maintaining the meals and rooms tax distribution to municipalities at the current level for the first year of the biennium, and then restoring the growth formula (up to an additional \$5 million depending on the amount of increased revenue from the meals and rooms tax) in the second year.

Division I also concurred with the Governor’s recommendation to begin paying the state share for the environmental grants that have been delayed and deferred since the fall of 2008. While the Governor’s budget funded \$3 million in fiscal year 2015 toward wastewater treatment projects only, Division I recommended fully funding **all** the projects (water, wastewater and landfill closure) on the Department of Environmental Services’ delayed and deferred list, increasing the Governor’s recommended appropriation by \$1,944,141 for a total of \$4,944,141 in the second year of the biennium. (Click [here](#) to see the projects on the delayed and deferred list.)

Budget Process - continued

Further, Division I recommended that **HB 2** include a moratorium on funding any projects that did not receive local bonding authorization by December 31, 2008, and also created a committee to study future funding of state aid grants for water, wastewater and landfill closure, with a report due by November 1, 2013.

We commend the members of Division I for recognizing the importance of maintaining the meals and room tax distribution to cities and towns, and for restoring funding for the state's commitment to completed environmental projects. Other [Finance Committee members](#) need to hear from municipal officials in their constituent cities and towns urging support of Division I's recommendations.

More Policy Bills Advance

The Senate passed the following NHMA policy bills this week:

- **SB 31**, which makes permanent the municipal transfer station exemption from the ban on combustion of construction and demolition debris. Without this change, the exemption — which applies only to the incidental combustion of untreated lumber under the supervision of a transfer station operator — would expire at the end of this year. An identical bill, **HB 517**, passed the House last week.
- **SB 197**, which authorizes SB 2 towns to submit an appropriation for a user fee-funded water or sewer system as a separate warrant article, and to include a default amount for the appropriation that will take effect if the proposed appropriation is defeated.

Notification to Retirees

On Thursday the House took up **HB 364**, which, as amended by the Executive Departments and Administration Committee, requires that employers and the New Hampshire Retirement System (NHRS) provide notice regarding the 32-hours-per-week limitation to retirees working in part-time positions. A floor amendment was offered that would have required such notice by the NHRS only, thereby eliminating any potential liability to employers. Unfortunately, the floor amendment failed to garner a majority of votes, resulting in the bill passing as amended by the ED&A committee. We will work to improve the bill when it goes to the Senate.

Broadband Bill Retained

The House voted this week to recommit **HB 286**, relative to bonding for broadband infrastructure, to the Science, Technology & Energy Committee. The committee is going to retain the bill, and plans to begin holding subcommittee meetings within the next few weeks. Please watch the House calendar to see when these meetings are scheduled, and call the Government Affairs staff if you have any questions.

**There are no hearings on bills of municipal interest
in the House next week.**

SENATE CALENDAR

TUESDAY, MARCH 26

JUDICIARY, Room 100, SH

9:30 a.m. **HB 123**, relative to the limitation of liability for negligence regarding public safety officers.

WEDNESDAY, MARCH 27

PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB

9:00 a.m. **HB 113**, relative to lot access for erection of buildings.

9:15 a.m. **HB 147-FN**, repealing a duty of the assessing standards board concerning municipal reimbursement for the cost of assessments.

9:30 a.m. **HB 181**, repealing the equalization standards board.

9:45 a.m. **HB 182**, relative to appointments to the assessing standards board.

10:00 a.m. **HB 187**, relative to cost items in negotiated agreements.

TUESDAY, APRIL 2

WAYS AND MEANS, Room 103, SH

9:15 a.m. **HB 581-FN-L**, relative to recovering moneys from a neighboring state for mitigation of flooding.



FLOOR ACTION

Wednesday, March 20, 2013

HOUSE

HB 124-FN, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system. **Ought to Pass**

HB 215-FN-L, relative to workforce housing and the definition of community. **Inexpedient to Legislate.**

HB 286, relative to broadband infrastructure. **Recommitted.**

HB 287-FN, eliminating voter identification requirements. **Inexpedient to Legislate.**

HB 290-FN, prohibiting unlicensed persons from openly carrying a pistol or revolver in a public building. **Inexpedient to Legislate.**

Floor Action - continued

HB 297, relative to the management of trust funds and capital reserve funds. **Retained in Committee.**

HB 305, establishing a committee to study the apportionment formula for cooperative school districts for towns with electric generation facilities. **Ought to Pass With Amendment.**

HB 357, prohibiting an employer from using credit history in employment decisions. **Ought to Pass with Amendment.**

HB 364, requiring New Hampshire retirement system employers to notify prospective part-time employees who are retired members of the limitations on part-time employment. **Ought to Pass With Amendment.**

HB 365, relative to membership of village districts in regional planning commissions. **Inexpedient to Legislate.**

HB 381, relative to citizen complaints against a police officer. **Inexpedient to Legislate.**

HB 518, relative to establishing an individual's status as a veteran and specifying that training for active duty is service for purposes of the veterans' tax credit. **Ought to Pass With Amendment.**

HB 532, relative to energy efficiency and clean energy districts. **Retained in Committee.**

HB 591, relative to an abusive work environment and the health and safety of public employees. **Ought to Pass With Amendment.**

HB 595-FN, relative to photo identification of voters. **Ought to Pass.**

HB 665-FN-A-L, relative to video lottery and table gaming. **Inexpedient to Legislate.**

HB 678-FN-A-L, relative to games of chance and establishing a gaming oversight authority and video lottery gaming. **Laid on Table.**

SENATE**Thursday, March 21, 2013**

SB 31, relative to a ban on the incidental combustion of untreated wood at municipal transfer stations. **Ought to Pass. NHMA Policy.**

SB 77, instituting a state minimum hourly rate. **Laid on Table.**

Floor Action - continued

SB 79, relative to an oath of city officers concerning appraisals of taxable property. **Laid on Table.**

SB 80, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures. **Ought to Pass with Amendment.**

SB 111, permitting municipalities to establish a capital reserve plan for expenditure of capital reserve funds. **Ought to Pass with Amendment.**

SB 172-FN-L, relative to public funds. **Ought to Pass.**

SB 179, clarifying the definition of “renewable generation facility” for purposes of payments in lieu of property tax payments. **Ought to Pass.**

SB 182-FN, relative to implementation of voter identification requirements. **Laid on Table.**

SB 197, relative to the inclusion of a default budget in separate warrant articles submitted by sewer commissions. **Ought to Pass with Amendment. NHMA Policy.**

HB 193, relative to registration of vehicles by residents without a permanent street address. **Ought to Pass with Amendment.**

HB 194, relative to collection of permit fees paid with insufficient fund checks. **Ought to Pass.**

HB 309, relative to filing for office. **Ought to Pass.**



2013 LOCAL OFFICIALS WORKSHOPS

Presented by New Hampshire Municipal Association's Legal Services attorneys, the 2013 Local Officials Workshops provide elected and appointed municipal officials with tools and information to effectively serve their communities.

APRIL 3 – MAY 11
9:15 a.m. – 3:15 p.m.

A workshop for NHMA Members.
No registration fee • Pre-registration required

Attendees will receive a copy of NHMA's 2013 edition *Knowing the Territory*.
Continental breakfast and lunch will be provided.

Basic Workshops

An overview of the Right to Know Law, town governance, public employment, liability and more will be provided. Interactive discussions will offer an opportunity to test scenarios, discuss concerns, ask questions and share ideas.

Wednesday, April 3
Keene Recreation Center

Wednesday, April 10
Moultonborough Public Safety Building

Tuesday, April 23
Gorham Town Hall

Friday, May 3
McConnell Center, Dover

Questions? Call 800.852.3358, ext. 3350
or email registrations@nhlgc.org.

In-Depth Workshops

These workshops offer more in-depth coverage of the specific topics listed under each date.

Part I, Saturday, May 4
Local Government Center, Concord
Topics will include the Right to Know Law, town governance, and budget law.

Part II, Saturday, May 11
Local Government Center, Concord
Topics will include liability, public employment, conflicts of interest, and streets and highways.

For more information or to
register online, please visit
www.nhmunICIPalassociation.org
and click on Training & Events.

Online pre-registration required one week prior
to event date. Space is limited!