

LEGISLATIVE BULLETIN

Bulletin #05

2013 Session

January 18, 2013

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Restore Funding for Environmental State Aid Grants

Over the last several months, momentum has been building to restore funding for the environmental state aid grant (SAG) program. There have been numerous meetings among affected municipalities, legislators, and environmental regulators, and legislation has been filed to restore approximately \$9 million of the funding that is currently owed for completed projects. This would be a first step in getting the state back on track to fulfilling its obligations under this program.

However, in all our discussions with legislators about budget issues, we have received one constant message: *any budget requests will have little chance of being funded unless they are in Governor Hassan's budget proposal.* Thus, although it remains important to talk to your representatives and senators, that will not be sufficient. In addition, *the Governor needs to hear from you.*

It is critically important that SAG funding be part of the Governor's budget proposal, which must be presented to the legislature by February 15. We need every member affected by the SAG issue to contact Governor Hassan **AS SOON AS POSSIBLE!** Explain to her that this is not a request for new money; it is merely a request that the state pay its existing obligations. You can also point out that as environmental infrastructure needs have mushroomed over the last decade, *state environmental grant funding has decreased by 57 percent.* (See the graph on the next page.)

Contact Governor Hassan:

We need to put this issue clearly in front of the Governor. Please telephone **AND** e-mail the Governor with the message below.

By Telephone or FAX:

(603)271-2121 (phone)

(603)271-7640 (fax)

By E-mail:

Email the Governor

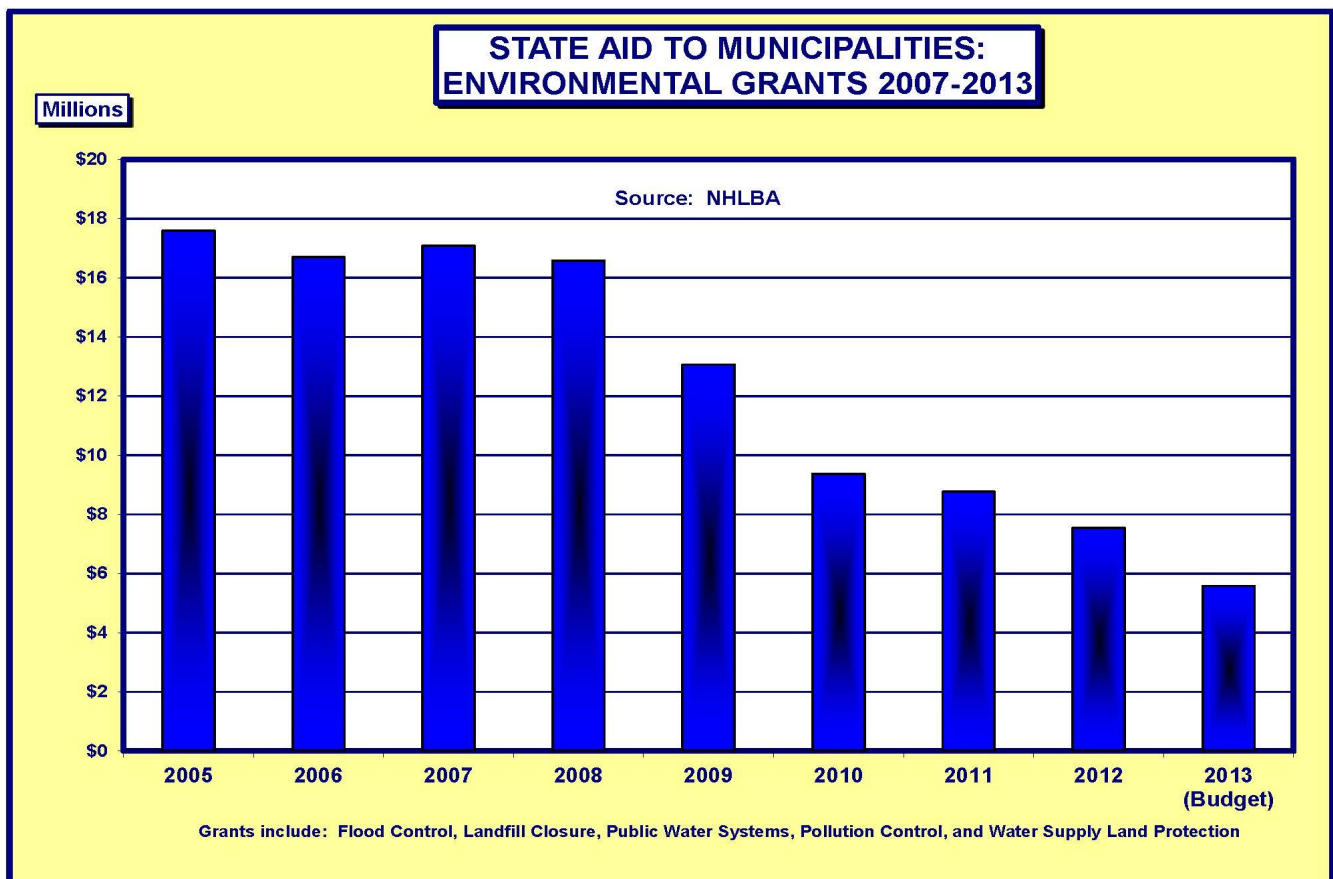
Restore Funding - continued

Message for the Governor:

1. ***Congratulate Governor Hassan*** on her election as Governor;
2. ***Respectfully request restoration of state funding for the environmental state aid grant program*** administered by the Department of Environmental Services; and
3. ***Respectfully request a meeting*** with Governor Hassan to discuss this important municipal issue directly with her.

It is very important that you keep NHMA staff informed about your actions. Please let NHMA's Tim Fortier know of your outreach to Governor Hassan at tfortier@nhlgc.org.

Members, this is your time for action. Governor Hassan needs to hear from you TODAY. ***NHMA is calling on you to get involved NOW.***



Bill Eliminates Restriction on Processing Absentee Ballots

The House Election Law Committee will hear testimony next week on [HB 183](#), an **NHMA policy bill** that would allow moderators to begin processing absentee ballots at state and local elections any time after the polls open, rather than waiting until 1:00 p.m., as currently required. The existing requirement has been a thorn in the side of moderators, and we can think of no reason to retain it. Nevertheless, repeated efforts to relax or eliminate the requirement have been defeated in recent years, so we do not expect this to be easy.

Notably, the bill's two lead sponsors are town moderators, and we know there is significant support for the bill among moderators statewide. Please make sure your moderator is aware of the hearing, and urge him or her to (1) attend the hearing; (2) contact members of the [Election Law Committee](#) and express support for the bill; and/or contact your own representative(s). The hearing is scheduled for **Tuesday, January 22, at 1:00 p.m., in LOB Room 308.**

Local Control over Governmental Land Uses

On Wednesday, the House Municipal & County Government Committee will hear testimony on [HB 191](#), relative to conformity of governmental land uses to land use regulation. Under current law, when a government entity — *e.g.*, the state, a school district, the university system — wants to develop land for a new use, it is required to notify the local governing body and planning board and submit to a hearing. However, the governing body and planning body have no authority except to offer non-binding written comments. The entity proposing the new use can do what it wants with those comments — which may be to ignore them entirely. Although most government entities are willing to work with local planning boards, there have been more than a few problems over the years, and the host municipality has absolutely no leverage.

HB 191 would authorize the governing body or planning board (or zoning board of adjustment) to issue a binding decision, which may deny the proposal if it does not conform with local land use regulations. We believe the bill may need some work, but NHMA has always supported this idea. Land use regulations that are sound when applied to private businesses are no less sound when applied to public entities. It is hard to imagine, for example, why a private school should have to comply with site plan regulations but a public school should not. The hearing is scheduled for **Tuesday, January 22, at 11:00 a.m., in LOB Room 301.**

Veteran's Exemption/Credit and Reimbursement for Assessing Expenses

Several important assessing bills are scheduled for hearings next week. **SB 36** provides a 100 percent property tax exemption for veterans who are totally and permanently disabled. This change could result in a significant shift in the tax burden among property taxpayers in a given municipality. A hearing on the bill is scheduled before the Senate Public and Municipal Affairs committee on **Wednesday, January 23, at 9:30 a.m., in LOB Room 102.**

Veteran's Exemption - continued

HB 176, which allows municipalities to grant a part-year (*i.e.*, prorated) veteran's credit, is scheduled before the House Municipal and County Government Committee on **Tuesday, January 22, at 10:00 a.m., in LOB Room 301.**

HB 147, also before the House Municipal and County Government Committee, establishes a formula for reimbursing municipalities for expenses associated with assessing standards compliance. The proposed formula for reimbursement is \$2,000 plus \$2.00 per taxable parcel for each municipality undergoing a revaluation, with the reimbursement occurring no more than once in any 5-year period. The hearing on **HB 147** is scheduled for **Wednesday, January 23, at 10:00 a.m., in LOB room 301.**

Contingency Funds for Towns

HB 134 authorizes towns to establish a contingency fund annually and to appropriate into the fund up to 1 percent of the total town appropriations, excluding appropriations for capital expenditures and debt service. The contingency fund would be used to meet unanticipated expenses that arise during the year. This would give towns authority that counties and school districts already have. The bill requires a detailed report of expenditures from this fund to be made by the selectmen and published in the annual report. **HB 134** is scheduled for a hearing before the House Municipal and County Government committee on **Thursday, January 24, at 10:15 a.m., in LOB Room 301.**

HOUSE CALENDAR**Joint House/Senate Meetings Are Listed Under This Section****TUESDAY, JANUARY 22****ELECTION LAW, Room 308, LOB**

- 10:00 a.m. **HB 197**, relative to state representative districts in Hillsborough county.
- 10:30 a.m. **HB 206**, relative to political advertising.
- 11:00 a.m. **HB 119**, relative to voter registration.
- 1:00 p.m. **HB 183**, relative to processing absentee ballots.

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

- 1:00 p.m. **HB 121-FN**, requiring drug testing of applicants for Temporary Assistance to Needy Families (TANF).

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB

- 1:00 p.m. **HB 249-FN**, requiring employers to verify an employee's eligibility to work in the United States.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 176**, allowing towns and cities to grant a part year veterans credit during the year of acquisition of property.
- 10:30 a.m. **HB 198**, relative to town boundary perambulation.
- 11:00 a.m. **HB 191**, relative to conformity of governmental land uses to land use regulations.
- 11:30 a.m. **HB 114**, relative to abutter access over subdivided land.

House Calendar - continued**RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB**

1:30 p.m. **HB 189**, repealing the commission to study water infrastructure sustainability funding.

WEDNESDAY, JANUARY 23**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB**

1:30 p.m. **HB 187**, relative to deliberative sessions in towns that have adopted official ballot voting.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 147-FN**, establishing a formula for reimbursing municipalities for assessment expenses.

10:30 a.m. **HB 182**, relative to appointments to the assessing standards board.

11:00 a.m. **HB 181**, repealing the equalization standards board.

TRANSPORTATION, Room 203, LOB

10:45 a.m. **HB 193**, relative to registration of vehicles by residents without a permanent street address.

11:15 a.m. **HB 194**, relative to collection of permit fees paid with insufficient fund checks.

WAYS AND MEANS, Room 202, LOB

1:30 p.m. **CACR 2**, relating to taxation. Providing that taxes imposed by the state of New Hampshire or its subdivisions may be graduated.

1:45 p.m. **CACR 1**, relating to taxation. Providing that 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principal of all state bonds. **NHMA POLICY TO OPPOSE.**

THURSDAY, JANUARY 24**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB**

11:00 a.m. **HB 252**, consolidating the property appraisal division and the municipal services division of the department of revenue administration.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. Continued public hearing on **HB 122**, relative to limitation of appropriations in official ballot municipalities.

10:15 a.m. **HB 134**, relative to contingency funds in towns.

10:45 a.m. **HB 139**, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts.

11:15 a.m. **HB 138**, permitting a town that has adopted official ballot voting to use a topical description of the substance of a warrant article on the official ballot.

1:30 p.m. **HB 144**, prohibiting the state, counties, towns, and cities from implementing programs of, expending money for, receiving funding from, or contracting with the International Council for Local Environmental Initiatives.

House Calendar - continued**TUESDAY, JANUARY 29****LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES, Room 307, LOB**

- 10:15 a.m. **HB 178-FN-L**, relative to binding arbitration in public labor relations disputes. **NHMA POLICY TO OPPOSE.**
- 1:30 p.m. **HB 241-FN**, establishing a state minimum hourly rate.
- 1:40 p.m. **HB 127-FN-L**, relative to the state minimum hourly rate.

SENATE CALENDAR**TUESDAY, JANUARY 22****FINANCE, Room 103, SH**

- 1:15 p.m. **SB 40-FN-L**, relative to distribution of education funds for fiscal year 2013.

WEDNESDAY, JANUARY 23**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, SH**

- 9:30 a.m. **SB 37**, relative to management rights under collective bargaining.

PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB

- 9:00 a.m. **SB 2**, relative to the calculation of the local tax cap.
- 9:30 a.m. **SB 36-L**, relative to the property tax exemption for veterans who are totally and permanently disabled from service connection.

2013 NEW BILLS**House Bills**

HB 176 enables towns and cities to authorize the governing body to grant part-year veterans' credits to persons who acquire property during the tax year and are eligible for the veteran's credit. Rep. John Hunt of Rindge; **M&CG**.

HB 178-FN-LOCAL requires binding arbitration in public labor relations when an impasse is not resolved following action by the legislative body. Rep. Weed of Keene; **LABOR**.

HB 181 abolishes the equalization standards board and transfers certain duties to the assessing standards board. Rep. Lockwood of Canterbury; **M&CG**.

HB 182 changes from 5,000 to 3,000 the population threshold between smaller and larger towns for the purpose of appointments to assessing standards board. Rep. Lockwood of Canterbury; **M&CG**.

HB 183 provides that processing of absentee ballots at state and local elections may begin when the polls open. Rep. J. Belanger of Hollis; **EL. NHMA Policy**.

New Bills - continued

[HB 187](#) repeals the law providing that either party to a public employee collective bargaining agreement may reopen negotiations if the legislative body of the employer rejects any cost items, and provides that the legislative body may not modify any cost items submitted to it. Rep. Porter of Hillsborough; **LABOR**.

[HB 189](#) repeals the commission to study water infrastructure sustainability funding. Rep. Kappler of Raymond; **RR&D**.

[HB 191](#) authorizes a municipality to deny a proposed governmental land use based on nonconformity with applicable land use regulations. Rep. K. Rogers of Concord; **M&CG**.

[HB 193](#) authorizes a homeless person without a permanent street address to register a vehicle. Rep. Rhodes of Nashua; **TRANS-H**.

[HB 194](#) allows suspension of the motor vehicle registration privilege for paying a motor vehicle permit fee with a bad check. Rep. Rhodes of Nashua; **TRANS-H**.

[HB 197](#) revises state representative districts in Hillsborough county. Rep. Takesian of Pelham; **EL**.

[HB 198](#) requires GPS coordinates to be included in the return of a town boundary perambulation. Rep. Weyler of Kingston; **M&CG**.

[HB 200](#) requires an employer to provide corroborating testimony, documentation, or physical evidence of misconduct when alleging an employee was dismissed for misconduct. Rep. Steve Smith of Charlestown; **LABOR**.

[HB 206](#) requires that political advertising removed by state or municipal maintenance or law enforcement personnel be kept at a designated place until one week after the election. Rep. Perry of Strafford; **EL**.

[HB 215-FN-LOCAL](#) requires municipalities that adopt land use ordinances to allocate no less than 5 percent of their dwelling units to workforce housing, defines “community” for purposes of planning and zoning laws, and requires municipalities to ensure that workforce housing developments will continue to qualify as workforce housing. Rep. Flanagan of Brookline; **M&CG**.

[HB 241-FN](#) establishes a state minimum wage of \$9.25 per hour. Rep. Robertson of Keene; **LABOR**.

[HB 248](#) establishes a committee to study implementation of early processing of absentee ballots at state elections. Rep. Ferrante of Derry; **EL**.

[HB 249-FN](#) requires public employers to verify employees’ eligibility to work in the United States by participating in a status verification system. Rep. Duarte of Candia; **LABOR**.

New Bills - continued

[HB 252](#) consolidates the property appraisal division and the municipal services division of the department of revenue administration. Rep. Cooney of Plymouth; **ED&A-H**.

[HB 265](#) allows an absentee voter to have another person deliver his or her marked ballot to the city or town clerk. Rep. F. Rice of Hampton; **EL**.

[HB 269-LOCAL](#) authorizes the governing body of a school district or of a city to call a special meeting of the legislative body to consider changes in appropriations in response to changes in adequate education funding. Rep. Boehm of Litchfield; **EDUC**.

[HB 276](#) requires animal control officers to require owners of solid waste containers which are attracting nuisance wildlife to store or dispose of such waste in a wildlife resistant matter. Rep. Reilly of Hill; **F&G**.

[HB 277](#) clarifies that public officials who violate their oath of office shall be removed from office by the authority responsible for the original appointment. Rep. Christiansen of Hudson; **EL**.

[HB 278](#) authorizes an applicant for a land use board approval to offer installation of fire suppression sprinklers as a condition of approval. Rep. John Hunt of Rindge; **COM-H**.

[HB 280](#) permits towns and school districts that have adopted the official ballot referendum form of town meeting to make certain adaptations concerning the default budget and the amendment of petitioned warrant articles. Rep. Abrami of Stratham; **M&CG**.

[HB 283](#) establishes a committee to review the hearings officer's report with regard to the New Hampshire Local Government Center and to study potential changes to RSA 5-B. Rep. D. Sullivan of Manchester; **M&CG**.

[HB 286](#) changes requirements for the issuance of broadband infrastructure bonds by municipalities. Rep. Townsend of Canaan; **ST&E**.

[HB 287-FN](#) repeals the requirement that voters show photo identification to vote at state and local elections. Rep. Horrigan of Durham; **EL**.

[HB 290-FN](#) prohibits a person who is not licensed to carry a concealed pistol or revolver from openly carrying a pistol or revolver in a public building. Rep. Burridge of Keene; **CJ&PS**.

[HB 297](#) makes numerous changes relative to the management of trust funds and capital reserve funds. Rep. F. Rice of Hampton; **M&CG**.

New Bills - continued

HB 298 prohibits the publication of the names of persons receiving a property tax exemption, credit, or deferral for their residential real estate, and adds a penalty for failure to comply. Rep. A. White of Lebanon; **M&CG**.

Senate Bills

SB 31 repeals a prospective ban on the incidental combustion of untreated wood at municipal transfer stations. Sen. Odell of Lempster; **ENR. NHMA Policy**.

SB 36-LOCAL changes the property tax exemption for veterans who are totally and permanently disabled from service connection to a full exemption from property taxation on their homestead. Sen. Bragdon of Milford; **PMA**.

SB 37 expands the definition of “managerial policy within the exclusive prerogative of the public employer” as it relates to public employee labor relations. Sen. Bragdon of Milford; **ED&A-S**.

SB 40 provides additional education funds for certain municipalities for the 2013 fiscal year. Sen. Kelly of Keene; **F-S**.

Municipal Finance Trends in New Hampshire

**Webinar Registration**

This webinar is complimentary for Members of the NH Municipal Association.

Join us on Tuesday, January 22 at 11 a.m.

While the Great Recession has officially ended, the recent economic downturn still casts a shadow over municipal governments in New Hampshire and the rest of the country. In this webinar, staff from the NH Center for Public Policy Studies will present findings from their annual review of municipal spending and revenue trends, including changes in demand for services and state aid.

Moderated by Barbara Reid, Government Finance Advisor for the NH Municipal Association, the webinar will also provide some insight into the possible impact on local finances from the upcoming state budget negotiations.

Register today!

Please follow this link to register:
<https://www1.gotomeeting.com/register/538557713>



2013 Moderators Workshops

SB 2 Meeting
Saturday, January 19
(Snow date: Saturday, January 26)

Traditional Town Meeting
Saturday, February 23
(Snow date: Saturday, March 2)

9 a.m. – 12:30 p.m. • Local Government Center, Concord, NH
Cost: \$40

Registration and continental breakfast begin at 8:30 a.m.
Attendees will receive a copy of NHMA's 2013 edition *Town Meeting and School Meeting Handbook*.

Topics include:

The Basic Law of Town, Village District and School District Meeting

Statutes governing the moderator's duties at town, village district and school district meetings will be discussed along with issues related to warrant articles, the operating budget, secret ballot voting and other town meeting issues. This topic will be offered in two concurrent sessions tailored for new and experienced moderators. Ample time will be devoted to questions and answers.

Strategies for Running a Smooth Meeting

Moderators are faced with a challenging task: keeping meetings focused and fair to all participants, while effectively facilitating the flow of debate. This session will highlight suggested strategies for running respectful and efficient meetings.

Sample Scenarios

A series of sample scenarios will help attendees prepare for a wide range of meeting challenges.

Presenters:

Barrett M. Christina, Staff Attorney, New Hampshire
School Boards Association

C. Christine Fillmore, Staff Attorney, New Hampshire
Municipal Association

Paul G. Sanderson, Staff Attorney, New Hampshire
Municipal Association

Register online today at
www.nhlgc.org/moderators

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

