

LEGISLATIVE BULLETIN

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Hearings Scheduled as Bills Start to Arrive

Hearings on House and Senate bills will begin next week. It is a relatively light week — which we don't mind — as the bills are still coming out rather slowly. The House Municipal & County Government Committee, always one of the busier committees, has two days of hearings scheduled, dealing with bills on matters from local vendor licenses to dog registrations to the 10 percent rule in budget committee towns.

The Senate always gears up more slowly, as there are far fewer Senate bills. Nevertheless, a few hearings have been scheduled, including one on an NHMA policy bill, described below. See the calendars that follow for dates and locations of hearings. Also see the list of new bills of municipal interest at the end of the *Bulletin*. The next several *Bulletins* will list each week's new bills until all bills have been introduced.

If you don't recognize an abbreviation of a committee name or other term, check the glossary in [Bulletin #2](#).

State Budget Process Underway

This week the House Finance and Ways and Means committees received presentations from numerous national and state economic experts, as well as a state budget orientation from the Legislative Budget Assistant's Office. Many state agencies provided initial budget presentations to these committees, consisting mostly of high-level overviews of the agency's operations, funding requests, estimated revenues, and budget challenges. More detailed presentations will occur in the coming weeks as these committees work to craft the House version of the next biennial state budget covering the period July 1, 2013 – June 30, 2015.

While this budget activity is occurring in the House, the Governor is also preparing a budget which, by law, must be presented to legislators on or before February 15, 2013.

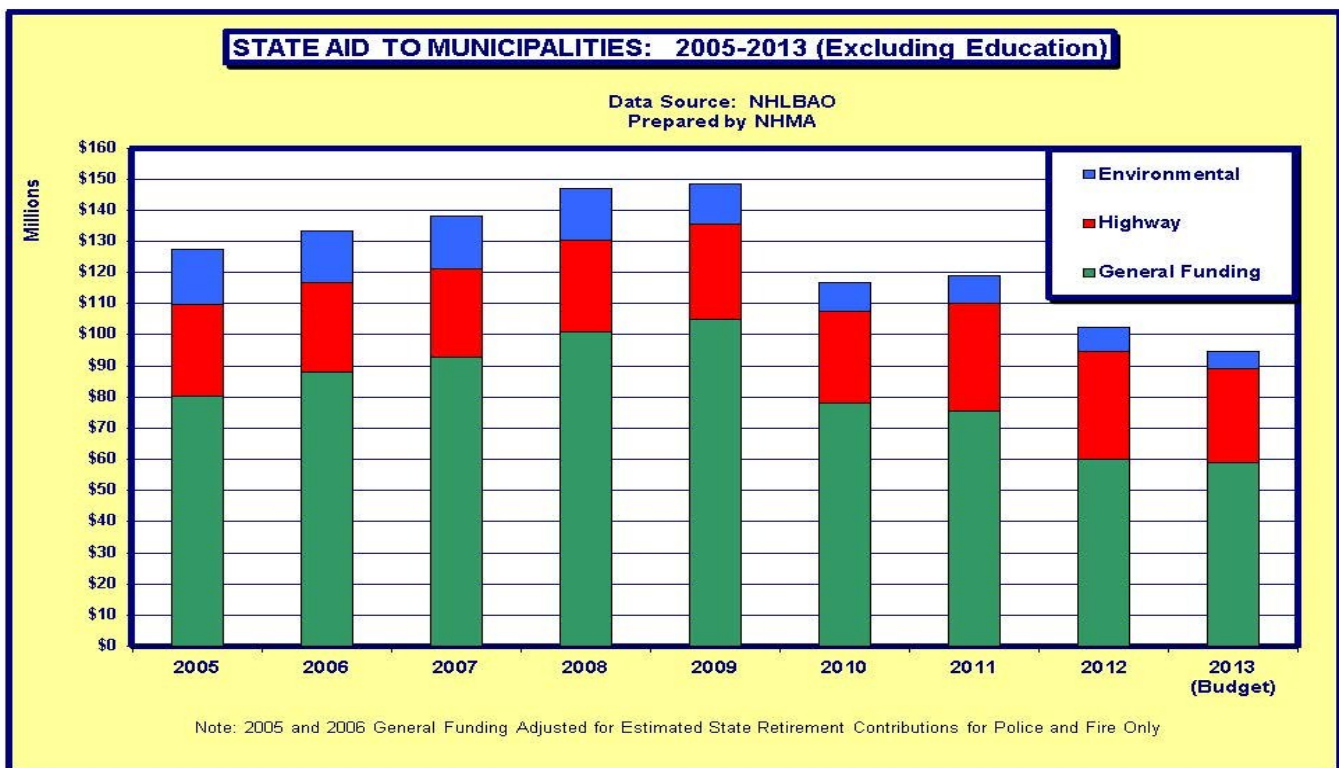
As noted in last week's *Legislative Bulletin*, the biennial state budget is obviously the most important piece of legislation this year, and we will be following its development very closely. While the state ended fiscal year

State Budget Process - continued

2012, the first year of the current biennium, with a modest surplus of \$13.8 million, preliminary estimates indicate that the state could very well end the second year of the biennium on June 30, 2013, in the red, putting additional pressure on the start of the next budget cycle. Along with municipalities, numerous other constituencies, such as the university system and hospitals, saw significant budget cuts over the past few years, and will likely seek restoration of those reductions.

It's important that all legislators, not just those on the House Finance and Ways and Means committees, understand the extent of the state aid reductions to cities and towns over the past four years. As you meet with your legislative delegation, please share the graph below, which shows the nine-year history of state aid to municipalities and the reductions that helped the state balance its own budget. Be sure to explain what these cuts have meant to your municipality in terms of property tax increases and/or delayed, deferred, or eliminated services.

Additional information regarding the state aid to cities and towns is available on our [website](#). Go to NH Municipal Association/Ongoing Topics of Interest/State Budget/State Aid to Cities and Towns.



Water Resources Utility Districts

The Senate Public & Municipal Affairs Committee will hear testimony next week on **SB 11**, relative to water resources utility districts. This **NHMA policy bill** authorizes any municipality to establish a utility for the acquisition and operation of water, sewer, and stormwater infrastructure and the operation and management of water resources within a designated area of the municipality. Two or more contiguous municipalities could establish such a district that crosses the municipal boundaries. Capital and operating expenditures would be funded by assessments and fees on properties in the district.

The hearing is scheduled for **Wednesday, January 16, at 9:30 a.m.**, in **LOB Room 102**.

HOUSE CALENDAR

Joint House/Senate Meetings Are Listed Under This Section

TUESDAY, JANUARY 15

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

1:30 p.m. **HB 132-FN-L**, relative to responsibility for medical costs incurred by a person in custody.

ELECTION LAW, Room 308, LOB

10:30 a.m. **HB 150**, relative to inspectors of election at town and school district meetings.

11:00 a.m. **HB 151**, relative to duties of inspectors of election.

JUDICIARY, Room 208, LOB

1:00 p.m. **HB 106**, relative to the demand for rent and other damages, and the repeal of the landlord-agent requirement.

1:30 p.m. **HB 123**, relative to the limitation of liability for negligence regarding firefighters.

2:00 p.m. **HB 107**, relative to the losing party's payment of the prevailing party's costs in tort actions.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **HB 104**, amending certain requirements to obtain a local vendor license.

11:00 a.m. **HB 103-FN**, reducing the penalty for violating a local vendor ordinance.

1:00 p.m. **HB 113**, relative to lot access for erection of buildings.

1:30 p.m. **HB 126-L**, relative to use of revolving funds by towns for maintaining recycling programs.

WEDNESDAY, JANUARY 16

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

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

11:00 a.m. **HB 115**, relative to the procedure for filling a vacancy on a cooperative school district budget committee.

1:00 p.m. **HB 108**, permitting manufactured housing parks and condominium associations to access dog registration records.

House Calendar - continued**PUBLIC WORKS AND HIGHWAYS, Room 201, LOB**

10:30 a.m. **HB 117**, relative to driveway permits issued by the department of transportation.

TRANSPORTATION, Room 203, LOB

10:00 a.m. **HB 105**, relative to the release of motor vehicle registration information.

10:30 a.m. **HB 112-FN**, relative to registration permit fees for special use vehicles.

SENATE CALENDAR**WEDNESDAY, JANUARY 16****PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB**

9:00 a.m. **SB 12**, relative to protection and preservation of significant archeological deposits.

9:30 a.m. **SB 11-L**, relative to water resources utility districts.

2013 NEW BILLS**House**

[CACR 1](#) provides that a 3/5 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds. Rep. Ulery of Hudson; **W&M-H**.

[CACR 2](#) provides that taxes imposed by the state of New Hampshire or its subdivisions may be at a graduated rate. Rep. Weed of Keene; **W&M-H**

[HB 103-FN](#) changes the classification for a violation of a local vendor ordinance from a class B misdemeanor, punishable by a fine up to \$1,200, to a violation, punishable by a fine up to \$1,000. Rep. Parison of New Ipswich; **M&CG**.

[HB 104](#) eliminates municipal authority to require itinerant vendors to submit to a federal criminal records check. Rep. Parison of New Ipswich; **M&CG**.

[HB 105](#) authorizes law enforcement officers to disclose to hospital personnel the name of the registered owner of a vehicle parked on hospital property. Rep. Luther of Laconia; **TRANS-H**.

[HB 106](#) repeals the requirement that landlords of restricted residential property provide service of process information to the municipality in which the property is located. Rep. Warden of Goffstown; **JUD-H**.

[HB 107](#) requires the losing party to pay the prevailing party's attorney fees and court costs in tort actions. Rep. Vaillancourt of Manchester; **JUD-H**.

New Bills - continued

[HB 108](#) permits “the executive or administrative entity” of a manufactured housing park or condominium to obtain dog registration records with respect to dogs owned by residents of the park or condominium. Rep. LeBrun of Nashua; **M&CG**.

[HB 109-FN-LOCAL](#) repeals the statute related to group licenses for dog owners. Rep. Cebrowski of Bedford; **M&CG**.

[HB 112-FN](#) reduces from \$2 to \$1 the optional registration fee municipalities may charge for historic vehicles and two-wheeled vehicles. Rep. J. Webb of Derry; **TRANS-H**.

[HB 113](#) permits erection of a building on a lot whose only street access is via a private right-of-way to a class VI or better highway. Rep. J. Belanger of Hollis; **M&CG**.

[HB 114](#) states that a planning board’s subdivision regulations must, under certain conditions, require a developer to deed an easement of access to a public way to an abutting owner of property with no other legal access. Rep. J. Belanger of Hollis; **M&CG**.

[HB 115](#) modifies the procedure for filling a vacancy on a cooperative school district budget committee. Rep. J. Belanger of Hollis; **M&CG**.

[HB 117](#) defines “parcel” as it relates to construction of driveways along state highways, and repeals a rulemaking exemption for driveway permits under the administrative procedures act. Rep. D. McGuire of Epsom; **PW**.

[HB 119](#) modifies the voter registration form and states that a person’s claim of domicile in this state for voting purposes shall not be conclusive of the person’s residence for any other legal purpose. Rep. Horrigan of Durham; **EL**.

[HB 121-FN](#) requires the department of health and human services to implement a drug testing program for applicants of Temporary Assistance to Needy Families (TANF). Rep. LeBrun of Nashua; **HHS&EA**.

[HB 122](#) provides that if the budget committee in an official ballot referendum municipality revises its recommendation for the total amount of appropriations after the deliberative session, the revised recommendation shall be used for determining the 10 percent limitation on appropriations. Rep. Parkhurst of Winchester; **M&CG**.

[HB 123](#) extends the limitation of liability under the “fireman’s rule” to all negligence claims based upon injury related to the performance of a firefighter’s official duties. Rep. Kappler of Raymond; **JUD-H**.

New Bills - continued

[HB 124-FN](#) removes the application of the gainful occupation reductions to retirement allowances of group II accidental disability beneficiaries whose total years of service plus years of accidental disability retirement are at least 20 and who have attained the age of 45. Rep. Major of Plaistow; **ED&A-H**.

[HB 126-LOCAL](#) allows a town, by vote of the legislative body, to establish a revolving fund to maintain recycling. Rep. Daniels of Milford; **M&CG**.

[HB 127-FN-LOCAL](#) establishes a state minimum hourly wage. Rep. P. Sullivan of Manchester; **LABOR**.

[HB 128](#) requires that votes of the governing body and budget committee relative to budget items and warrant articles in an official ballot referendum town be recorded votes and that the numerical tally of any such vote be printed in the town warrant next to the affected article. Rep. Christiansen of Hudson; **JUD-H**.

[HB 132-FN-LOCAL](#) provides that if a person who is in custody pursuant to a valid arrest or detention order causes injury to himself or herself purposely, then he or she shall be responsible for all medical costs associated with the injury. Rep. J. Belanger of Hollis; **CJ&PS**.

[HB 134](#) permits towns to establish contingency funds for unanticipated expenses and to make expenditures from such funds. Rep. J. Belanger of Hollis; **M&CG**.

[HB 138](#) permits any town that has adopted the official ballot referendum form of town meeting to use a topical description of the substance of a warrant article on the official ballot. Rep. Cushing of Hampton; **M&CG**.

[HB 139](#) extends the time towns have to approve bonding in solid waste management districts, and to withdraw from solid waste management districts. Rep. Cushing of Hampton; **M&CG**.

[HB 144](#) prohibits the state and political subdivisions from implementing programs of, funding, receiving funding from, being a member of, or contracting with the International Council for Local Environmental Initiatives (ICLEI) in furtherance of United Nations Agenda 21. Rep. Peterson of Merrimack; **M&CG**.

[HB 147](#) establishes a formula for the reimbursement of municipalities for the expenses of compliance with legislation concerning assessing standards. Rep. Lockwood of Canterbury; **M&CG**.

[HB 150](#) provides that inspectors of election for town elections shall be appointed by the selectmen without regard to political affiliation, rather than by the political parties. Rep. Steve Smith of Charlestown; **EL**.

New Bills - continued

[HB 151](#) enacts a provision summarizing the duties of inspectors of election. Rep. Steve Smith of Charlestown; **EL**.

[HB 166](#) requires the public utilities commission to make specific findings as to the public need for proposed electric transmission lines, and to require transmission lines that are not for the public good to be placed underground. Rep. Townsend of Grafton; **ST&E**.

SENATE BILLS

[SB 11-LOCAL](#) permits municipalities to establish water resources utility districts and to enter into intermunicipal agreements for the establishment of such districts. **NHMA Policy**. Sen. Stiles of Hampton; **PMA**.

[SB 12](#) authorizes a planning board to take action to protect and preserve significant archeological deposits in conjunction with its exercise of subdivision or site plan review. Sen. Stiles of Hampton; **PMA**.

Municipal Finance Trends in New Hampshire



Webinar Registration

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!



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 LGC'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

Online pre-registration
required by January 11.
Space is limited. Questions?
Call 800.852.3358, ext. 3350 or
email registrations@nhlgc.org.