

LEGISLATIVE BULLETIN

Bulletin #2

2014 Session

January 3, 2014

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Happy New Year!

We hope all of you have had a pleasant holiday season and are now enjoying the fine January weather. In five days the new legislative session will get under way, an occasion that always brings hope and excitement, at least to some of us. We are looking forward to another eventful year in the legislature, and you're all invited to join us for the ride. The *Bulletin* will be published weekly beginning with this issue.

If you have questions, comments, or concerns as the session progresses—whether about particular bills or of a more general nature—please do not hesitate to contact the Government Affairs staff. We are here to help our members, and we truly enjoy hearing from you. ***Again, if you are still receiving the Bulletin by U.S. mail and would prefer to get it electronically, please let us know.***

More Bills

Please see the listing in this *Bulletin* of additional bills that have been released for the 2014 legislative session. There will be an additional list in next week's *Bulletin*. That should be the last significant installment, although there probably will be a few bills trickling in for a while.

We know some hearings have been scheduled for the week of January 13, but nothing has been officially posted yet. We expect that next week's *Bulletin* will show a busy hearing schedule for the following two weeks.

ASB Forum on Draft of Assessing Reference Manual

The Assessing Standards Board will hold a public forum on **Friday, January 31, at 9:00 a.m.**, to accept public comment on the *DRAFT Assessing Reference Manual for Taxpayers, Selectmen and Assessors*. To view the manual, visit the DRA website at:

http://www.revenue.nh.gov/munc_prop/assessing-board/schedule.htm.

ABS Forum - continued

The meeting will be held in the New Hampshire Department of Revenue Administration Training Room, at **109 Pleasant Street, Concord**. A regular meeting of the Board will immediately follow the public forum.

If you cannot attend the forum but would like to submit comments, please e-mail them to asb@dra.nh.gov or send them by mail to:

NH Department of Revenue
Assessing Standards Board
PO Box 487
Concord, NH 03302-0487



Seeking Volunteers

NHMA is seeking volunteers for two positions on state boards:

- The ***Municipal Records Board***, established under [RSA 33-A:4-a](#). The board’s duties, as set out in [RSA 33-A:4-b](#), are to “advise the secretary of state on standards and procedures for the effective and efficient management of municipal records[, which] shall govern the retention, preservation and disposition of municipal records,” and to “oversee the local government records management improvement program as provided in RSA 5:47-5:51.”

This position must be filled by a ***municipal treasurer or finance director***. The term is for three years, and the board typically meets only once a year.

- The ***Building Code Review Board***, established under [RSA 155-A:10](#). The board’s duties are “to review and assess the application of the state building code and [to] recommend legislation, as the board deems necessary, to amend the requirements of the state building code in order to provide consistency with the application of other laws, rules, or regulations, to avoid undue economic impacts on the public by considering the cost of such amendments, and to promote public safety and best practices.”

This position must be filled by a ***municipal building official***. The term is for three years, and is subject to a two-term limit. The board typically meets once a month.

If you meet the requirements and are interested in one of these positions — or if you would like some more information—please contact us at 800-852-3358 ext. 3408, or governmentaffairs@nhmunicipal.org.

New Bills

House Bills

[HB 1344](#) requires pharmacies and retail establishments that sell sharps to accept and dispose of sharps waste. Rep. A. White of Lebanon; **E&A**.

[HB 1365](#) permits motorcycles and bicycles to turn left or proceed straight through an intersection after stopping for a red light when a detection device does not detect the vehicle. Rep. Meaney of Goffstown; **TRANS-H**.

[HB 1366](#) establishes an exemption from seasonal state highway weight limits for a commercial hauler that has contracted with a municipality to address health and safety concerns within the municipality. Rep. Rideout of Lancaster; **TRANS-H**.

[HB 1368](#) prohibits an employer from inquiring into an applicant's criminal history prior to making a conditional offer of employment and requires the employer to send a written rejection by registered mail if the employer rejects an applicant because of a prior conviction. Rep. Heffron of Exeter; **LABOR**.

[HB 1371](#) allows a municipality that has authorized the planning board to approve subdivisions to authorize the governing body to approve the grading and improving of subdivision streets. Rep. G. Chandler of Bartlett; **M&CG**.

[HB 1374](#) repeals the priority status of the construction projects relative to the widening of I-93 from Manchester to the Massachusetts border in the state 10-year transportation improvement plan. Rep. Cloutier of Claremont; **PW**.

[HB 1375](#) allows a city or town to adopt a policy authorizing the local police department to collect, for sale or disposal, unwanted or illegal firearms that are voluntarily surrendered. Rep. Schlachman of Exeter; **M&CG**.

[HB 1379](#) exempts firearms records from required disclosure under the right-to-know law. Rep. Goley of Manchester; **JUD-H**.

[HB 1382](#) defines "farm stand." Rep. Rappaport of Colebrook; **E&A**.

[HB 1383](#) limits the time the department of environmental services may require a municipality to collect data relative to seasonal river overflow streams and exempts certain municipalities from filing conservation management plan reports after a well is permitted. Rep. Umberger of Conway; **RR&D**.

[HB 1398-FN](#) allows the retirement system to make a payment of \$15,000 or less to the next of kin of a deceased member of a beneficiary when no probate proceedings are pending. Rep. Gagnon of Claremont; **ED&A-H**.

[HB 1399-FN](#) establishes the time frame prior to retirement for filing an application for vested deferred retirement with the retirement system. Rep. Gagnon of Claremont; **ED&A-H**.

New Bills - continued

[HB 1403-FN](#) establishes a state minimum hourly wage of \$8.25 per hour, subject to adjustment based on increases in the Consumer Price Index. Rep. Kelly of Chichester; **LABOR**.

[HB 1405](#) prohibits employers from using credit history in employment decisions, with an exception for “any state or local government agency which requires use of the employee’s or applicant’s credit history or credit report.” Rep. Cushing of Hampton; **LABOR**.

[HB 1406-FN](#) requires the commissioner of transportation to maintain a list of state and municipal bridges that are structurally deficient or functionally obsolete. Rep. Campbell of Nashua; **PW**.

[HB 1407](#) prohibits an employer from requiring an employee or prospective employee to disclose his or her social media or electronic mail passwords. Rep. K. Rogers of Concord; **LABOR**.

[HB 1409](#) prohibits housing discrimination against recipients of rental assistance and victims of domestic violence, sexual assault, or stalking. Rep. Long of Manchester; **JUD-H**.

[HB 1435](#) requires law enforcement officials to obtain a court order to conduct a checkpoint for the purpose of enforcing criminal laws and disclose specific information to the public regarding the checkpoint. Rep. O’Flaherty of Manchester; **CJ&PS**.

[HB 1441-FN-LOCAL](#) repeals the normal yield tax on the value of wood or timber cut. Rep. Lambert of Litchfield; **RR&D**.

[HB 1450](#) extends the right-to-know law to tax-exempt corporations entering into contracts with municipalities for the purpose of managing or operating a business improvement district. Rep. P. Sullivan of Manchester; **JUD-H**.

[HB 1455-LOCAL](#) eliminates the authority of municipalities to make agreements with renewable energy facilities for payments in lieu of taxes. Rep. Rappaport of Colebrook; **ST&E**.

[HB 1456](#) requires that the site evaluation committee make a finding concerning applicant capability, municipal and regional concerns, and adverse effects before issuing a certificate for an energy facility. Rep. Murotake of Nashua; **ST&E**.

[HB 1458](#) allows a town or city to establish one or more special assessment districts to provide public facilities and services and to levy and collect special assessments and charges to pay for those public facilities and services. Rep. Bickford of Nashua; **M&CG**.

[HB 1460](#) changes the appointment and start dates for inspectors of election. Rep. Gray of Rochester; **EL**.

New Bills - continued

[HB 1461](#) expands the applicability of the prohibition on coercing political contributions to include the coercion of any public employee. Rep. Gray of Rochester; **EL**.

[HB 1462-FN](#) modifies the applicability of the prohibition on electioneering by public employees. Rep. Gray of Rochester; **EL**.

[HB 1466](#) requires that an increase in the amount of bonded indebtedness in a tax increment financing plan shall comply with the 10 percent limit on increases to appropriations recommended by the budget committee in towns under the municipal budget act. Rep. L. Ober of Hudson; **M&CG**.

[HB 1467](#) requires the department of environmental services to terminate certain large groundwater withdrawal permits when required local building permits expire or become void. Rep. M. Mann of Deerfield; **RR&D**.

[HB 1470](#) provides that a quorum need not be physically present at a meeting under the right-to-know law if a member or members necessary to make a quorum who are participating electronically would otherwise have to travel in excess of 60 miles to the meeting. Rep. R. Brown of Sugar Hill; **JUD-H**.

[HB 1471-LOCAL](#) changes the method of prorating among school districts the payments in lieu of taxes for renewable generation facilities. Rep. Grenier of Lempster; **M&CG**.

[HB 1472](#) requires use of the most recent equalized property valuation when property value is used to apportion expenses in cooperative and multi-town school districts. Rep. Grenier of Lempster; **M&CG**.

[HB 1473](#) deletes references in statute to police matrons and watchmen and makes other changes to the laws relative to sheriffs, constables, and police officers. Rep. Itse of Fremont; **CJ&PS**.

[HB 1479-LOCAL](#) makes membership in the NH Association of Assessing Officials, City and Town Clerks' Association and Tax Collectors' Association optional rather than mandatory, and allows membership only if an appropriation for member dues has been approved by the town meeting within the last two years. Rep. Ulery of Hudson; **M&CG**.

[HB 1483-FN](#) allows a person who transfers the registration of his or her vehicle to receive a refund if the registration and permit fees for the new motor vehicle are less than the fees for the previously-registered motor vehicle. Rep. Christiansen of Hudson; **TRANS-H**.

[HB 1489-FN-A-LOCAL](#) establishes a fund to reimburse costs associated with firefighters who have heart, lung, and cancer disease, with funding to come from an annual assessment against each carrier and self-insurer issuing homeowners and business insurance policies. Rep. Pantelakos of Portsmouth; **F-H**.

New Bills - continued

[HB 1492-FN-LOCAL](#) allows towns to recover the full cost of service notifying a dog owner of a civil forfeiture relative to dog licensing. Rep. J. Webb of Derry; **M&CG**.

[HB 1493-FN-LOCAL](#) requires the executive director of the retirement system to suspend a member's retirement allowance for exceeding the hourly limitations for part-time employment with a retirement system employer and clarifies the membership requirements for certain state employees and officials. Rep. Gagnon of Claremont; **ED&A-H**.

[HB 1494-FN](#) clarifies definitions of terms used in RSA 100-A, establishes a procedure for the determination of the costs of purchase of service credits, clarifies the ability to earn service credit while on a salary continuance plan, changes the date for the approval of the comprehensive annual financial report (CAFR), adds a penalty for employers who fail to timely remit data on compensation paid to retired members, and repeals obsolete provisions. Rep. Gagnon of Claremont; **ED&A-H**.

[HB 1498-FN](#) requires the employer or the employer's representative to reimburse an employee for lost wages if the employee who has returned to work is required to submit to an independent medical examination. Rep. Goley of Manchester; **LA-BOR**.

[HB 1506](#) eliminates student identification cards issued by career schools from the list of satisfactory forms of voter identification. Rep. Jasper of Hudson; **EL**.

[HB 1533-FN](#) requires a government entity to obtain a warrant before searching a portable electronic device. Rep. Kurk of Weare; **CJ&PS**.

[HB 1543](#) clarifies the filing period for state representative special elections. Rep. Levesque of Brookline; **EL**.

[HB 1544](#) authorizes the secretary of state to prepare ballots for use in special elections for state representative in cities and towns that have adopted the use of electronic ballot counting devices. Rep. Levesque of Brookline; **EL**.

[HB 1545](#) authorizes the use of portable voting booths set up in pods. Rep. Hoelzel of Raymond; **EL**.

[HB 1547](#) authorizes voters to remove their names from the checklist. Rep. Winters of Manchester; **EL**.

[HB 1549](#) clarifies assessment of renewable generation facility property provided for in a voluntary payment in lieu of taxes agreement and provides for a required minimum of such payments in lieu of taxes. Rep. Moffett of Canterbury; **M&CG**.

[HB 1550](#) permits the audio and video recording of a public official while in the course of his or her official duties. Rep. Watrous of Concord; **CJ&PS**.

New Bills - continued

[HB 1554](#) requires the owner of a dam to give notice of a planned water release from the dam to the emergency manager of the town immediately downstream. Rep. Takesian of Pelham; **RR&D**.

[HB 1559-FN](#) establishes a New Hampshire state house bicentennial commission and fund to prepare for the 200th anniversary of the dedication of the New Hampshire state house on June 2, 2019. The commission would include, among others, the mayor of Concord. Rep. Cushing of Hampton; **LEGIS ADMIN**.

[HB 1560-FN-LOCAL](#) prohibits an entity that receives a grant or appropriation of funds from a political subdivision of the state from using or contributing those funds to lobby, attempt to influence legislation, or participate in political activity. Rep. Sandblade of Manchester; **M&CG**.

[HB 1561-FN-LOCAL](#) clarifies that the service of volunteer firefighters responding to general fire calls does not constitute employment for the purposes of calculating unemployment compensation. Rep. G. Chandler of Bartlett; **LABOR**.

[HB 1562-FN](#) requires employers to grant employees leave for the purpose of voting in state general elections. Rep. Theberge of Berlin; **ED&A-H**.

[HB 1563-FN](#) grants group II status in the state retirement system to certain positions in the department of corrections. Rep. Cushing of Hampton; **ED&A-H**.

[HB 1565-FN](#) establishes a criminal offense for filing a false lien or encumbrance against a public servant. Rep. Gidge of Nashua; **CJ&PS**.

[HB 1566-FN](#) provides that a government official may not use devices that enhance or extend the human senses in a criminal investigation without obtaining a warrant or without fulfilling a legally-recognized exception to the warrant requirement. Rep. Kurk of Weare; **CJ&PS**.

[HB 1567-FN](#) regulates the use of electronic device location information. Rep. Kurk of Weare; **CJ&PS**.

[HB 1570-FN](#) establishes a paint stewardship program under which a nonprofit organization approved by the department of environmental services provides for the collection of discarded paint. Rep. Burns of Franklin; **E&A**.

[HB 1571-FN-LOCAL](#) requires employers to provide reasonable accommodations to women who are breastfeeding. Rep. Butler of Hart's Location; **LABOR**.

[HB 1572-FN](#) requires the police standards and training council to provide training to the law enforcement community on Alzheimer's disease. Rep. Long of Manchester; **HHS&EA**.

[HB 1573-FN](#) eliminates regional planning commissions and requires that all municipal planning board members, other than ex officio members, be elected. Rep. Cormier of Alton; **M&CG**.

New Bills - continued

[HB 1574-FN](#) establishes a formula for calculating the cap on the state's total billings to counties of nursing home care costs for each state fiscal year of subsequent bienniums. Rep. Kurk of Weare; **HHS&EA**.

[HB 1576-FN](#) requires contractors for state-funded public works projects which exceed \$500,000 to file weekly payroll reports with the agency with oversight of the contract. Rep. Buco of Conway; **PW**.

[HB 1589-FN](#) requires all firearms in this state to be sold or transferred through a licensed firearms dealer and requires local law enforcement agencies to report violations by licensed firearms dealers. Rep. Andrews-Ahearn of Hampton Falls; **COM-H**.

[HB 1590-LOCAL](#) permits owners and lessees of certain renewable generation facilities in unincorporated places to enter into agreements with counties to make a payment in lieu of taxes. Rep. Theberge of Berlin; **ST&E**.

[HB 1591-FN](#) establishes a commission to hear grievances under the right-to-know law; decisions of the commission may be appealed to the superior court. Rep. Weyler of Kingston; **JUD-H**.

[HB 1592-FN](#) requires certain workers employed in the construction of public works in the state of New Hampshire to be paid the prevailing minimum hourly wage and benefits. Rep. Goley of Manchester; **LABOR**.

[HB 1597-FN-A](#) lowers the rate of tax on meals under the meals and rooms tax from 9 percent to 8 percent. Rep. Hoell of Bow; **W&M-H**.

[HB 1599](#) permits victims of domestic violence to take leave from employment to seek medical or psychological care, to relocate, or to participate in civil or criminal proceedings related to the domestic violence. Rep. P. Sullivan of Manchester; **LABOR**.

Senate Bills

[SB 204-FN](#) extends workers' compensation benefits to certain medical conditions. Sen. D'Allesandro of Manchester; **COM-S**.

[SB 220-FN](#) updates the definition of the New Hampshire Building Code to include the 2014 National Electrical Code. Sen. D'Allesandro of Manchester; **ED&A-S**.

[SB 327-FN](#) extends the availability of economic revitalization zone tax credits under RSA 162-N until 2020. Sen. Watters of Dover; **W&M-S**.

NHMA Webinars

Effectively Working with the Budget Committee

Date: January 8, 2014

Time: 12:00 PM - 1:00 PM

Contact Email: NHMAregistrations@nhmunicipal.org

Contact Phone: 603.224.7447

Join us on Wednesday, January 8 at noon!

This webinar will explore the difference between official and advisory budget committees, and strategies for improving communication and cooperation between governing bodies and budget committees. Each group has different duties and all must meet statutory deadlines.

Presented by NHMA Staff Attorneys Chris Fillmore and Paul Sanderson, this webinar is open to members of the NH Municipal Association.

[Register Today!](#)

Free Speech and Municipal Government

Date: January 15, 2014

Time: 12:00 PM - 1:00 PM

Contact Email: NHMAregistrations@nhmunicipal.org

Contact Phone: 603.224.7447

Join us on Wednesday, January 15 at noon!

Join NHMA's Legal Services Attorneys for a webinar exploring the effect of the First Amendment and freedom of speech on the way local governments operate. The presentation will include information regarding public comment at public meetings, free speech rights of government employees, and electioneering by governmental officials and employees. This discussion involves subjects affecting all municipalities across all departments and positions.

This webinar is open to members of the NH Municipal Association.

[Register Today!](#)

Please see our website: www.nhmunicipal.org for more information on the:

2014 Moderators Workshops

SB 2 Meeting — Saturday, January 18 [Snow date: January 25]

Traditional Town Meeting — Saturday, February 22 [Snow date: March 1]

[Register online](#) today!