

# LEGISLATIVE BULLETIN

Bulletin #12

2014 Session

March 21, 2014

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### Crossover

Crossover, the unofficial halfway point of the legislative session, is next Thursday, March 27. That is the last day for the House to act on House bills and for the Senate to act on Senate bills. The House has many bills remaining, and thus will be in session Tuesday, Wednesday, and Thursday next week, with no committee hearings scheduled for the week. The Senate will be in session only on Thursday, but it could be a long day.

This is a good time to take stock of the many bills affecting municipalities, some of which we have not written about because of time or space constraints, and many of which will see final action next week. We will provide updates on as many of these as we can over the next few weeks.

The Government Affairs staff will present a webinar on the status of municipal bills on **Monday, March 31**. The webinar is open to local officials from municipalities that are members of NHMA, and there is no charge to participate. See the notice later in this *Bulletin* for more information and to register.

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### Road Toll Round Two

In last week's *Bulletin*, we reported that the Senate had passed **SB 367**, an **NHMA policy bill**, which will increase the road toll (gas tax) by approximately 4.2 cents per gallon effective July 1, 2014. The Senate had also referred the bill to the Finance Committee for further review. On Thursday of this week, that committee held a lengthy hearing and then approved an amendment to the bill to address concerns about how the additional revenue (\$33 million annually) will be spent.

By a 4-2 vote, the Finance Committee recommended the bill as Ought to Pass with Amendment. Here is a summary of how the money will be allocated, based on the amended version of the bill:

- 12 percent of the increase in the revenue will go towards highway block grant funding for municipalities for the fiscal year beginning July 1, 2015 and for subsequent years.. This is estimated to be approximately \$4 million per year above the current \$30 million block grant funding level.

**Road Toll** - continued

- For fiscal year 2015, \$8.3 million will go toward additional state aid for municipal bridges. In subsequent years, that amount will be \$6.8 million, which will double the amount of municipal bridge aid currently provided.
- In fiscal year 2017, \$8.3 million will go toward paying the debt service due on \$200 million of bonds authorized by this bill for the completion of the Interstate 93 widening project south of Manchester, which is currently unfunded. In subsequent years, the debt payments will be approximately \$16.5 million.
- For fiscal years 2015, 2016, and 2017 an additional \$25.2 million, \$22.6 million and \$14.2 million respectively will go to highway and bridge betterment programs. The betterment programs fund construction, reconstruction, resurfacing and maintenance of that portion of the state highway system not supported with federal aid (i.e., state maintained local roads). In subsequent years, all money remaining after funding the previous three categories will go towards the betterment programs. This is estimated to be approximately \$5.5 million per year.

The amended bill establishes a committee to study the effectiveness and efficiency of the Department of Transportation with a report due by December 1, 2014, and repeals the 4.2 cent rate increase 20 years after the bonds are issued, or when the bonds are paid in full, whichever is earlier. Finally, the bill eliminates the tolls at exit 12 on the Everett turnpike.

While the state's highway infrastructure needs may still exceed the amount raised by a 4.2 cent increase in the road toll, this is a significant step by the Senate supporters of **SB 367** to address the deteriorating condition of New Hampshire's roads and bridges. ***Please urge your [senator](#) to [support the committee recommendation of Ought to Pass with Amendment on SB 367 when this bill is voted again next week by the full Senate.](#)***

### **Right-to-Know Law Bill Delayed**

There is good news and bad news on **HB 1591**, the bill described in [last week's Bulletin](#) that would require all public bodies (except the legislature!) to post notice and an agenda at least 72 hours before any meeting. The good news is that as of Thursday, there was a strong movement to table the bill. The bad news is that the House didn't get to the bill on Thursday (it disposed of only eight bills in eight hours), so **HB 1591** will go to the floor on Tuesday—we think. If the bill is tabled, and if it is not removed from the table before crossover, it will die on the table—but, as we have often stated, anything can happen.

There is no question why this bill has run into such strong opposition—it is because so many legislators have heard from their local officials about the havoc it

### Right-to-Know - continued

would cause. Your phone calls and e-mails to your representatives have made a huge difference. We have spoken to many representatives who have heard and understood the message that local governing bodies cannot wait three days (or more likely four days, as we explained) to take every action, and cannot freeze their agendas three (or four) days in advance.

We thank you all for your efforts in slowing this bill, but unfortunately it's not over. ***If you haven't yet talked to your representatives and explained why HB 1591 is a bad idea, please do so before Tuesday.***

By the way, a few people have expressed confusion about the bill, saying that it appears to create a grievance commission, rather than having anything to do with public notice requirements. If you are confused, it is probably because you are looking at the bill *as introduced*. The committee amendment, which is what the House will be voting on, removed all of the original language from the bill and replaced it with language that changes the notice requirements. You can find the amendment by going to the bill's [docket](#) and clicking on "Amendment # 2014-0658h."

## Submit Your Legislative Policy Proposals!

In April NHMA will begin its legislative policy process for the 2015-16 biennium. While the next legislative session may seem far away, now is the time to think of things about your municipal responsibilities that might work better with a legislative change.

Could you do your job better if a statute were changed? Have you received citizen complaints that you couldn't address because you needed legislative authority? Are there outdated provisions in the law that need to be modernized or streamlined? Please let us know.

NHMA's legislative policy committees guide its legislative policy development. The committees will hold their organizational meeting on Monday, April 7. The committees will review legislative policy proposals submitted by municipal officials and make policy recommendations for consideration at the NHMA Legislative Policy Conference on September 26.

If you have a policy suggestion, please send it in soon. Policy proposals may be submitted by a board or a local official from a member municipality.

A [policy proposal form](#) should accompany each proposed legislative policy. It should include a brief (one- or two-sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation that describes the nature of the problem or concern and discusses the proposed action that is being advocated to address the problem.

## HOUSE CALENDAR

### FRIDAY, MARCH 28

#### **ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Room 301, LOB**

- 9:00 a.m. Equalization Subcommittee meeting.  
9:30 a.m. Regular meeting.

### TUESDAY, APRIL 1

#### **ELECTION LAW, Room 308, LOB**

- 10:00 a.m. **SB 271**, relative to retention of voter affidavits and identity verification.  
10:30 a.m. **SB 272**, relative to notice of voter registration.  
1:00 p.m. **SB 275**, relative to refusal to certify an absentee ballot application.  
1:30 p.m. **SB 279**, relative to challenges of voters.

#### **MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB**

- 10:00 a.m. **SB 233**, relative to property tax exemption for district fire mutual aid systems.  
11:00 a.m. **SB 216**, relative to designating an alternate trustee of the trust fund.  
11:30 a.m. **SB 236**, relative to delivery of the final budget and recommendation of the municipal budget committee to the governing body.  
1:30 p.m. **SB 219**, relative to funds received from the sale of cemetery lots.

#### **Rooms 301-303, LOB**

- 2:00 p.m. **SB 333**, relative to property taxation of manufactured housing.

### WEDNESDAY, APRIL 2

#### **ELECTION LAW, Room 308, LOB**

- 11:00 a.m. **SB 183-FN**, (New Title) relative to identification of voters, processing absentee ballots, and voluntary political expenditure limitations.  
1:00 p.m. **SB 294**, relative to the deadline for requesting a recount of an election.

### THURSDAY, APRIL 3

#### **FINANCE, Rooms 210-211, LOB**

- 11:15 a.m. **SB 339-FN**, relative to instituting a credit card affinity program in which fees received are directed to offset the retirement system's unfunded liability.

## SENATE CALENDAR

### TUESDAY, MARCH 25

#### **COMMERCE, Room 101, LOB**

- 1:35 p.m. **HB 1405**, prohibiting an employer from using credit history in employment decisions.  
1:55 p.m. **HB 1407**, relative to privacy in the workplace.

#### **JUDICIARY, Room 100, SH**

- 9:30 a.m. **HB 1533-FN**, requiring a warrant to search information in a portable electronic device.

**Senate Calendar** - continued**TUESDAY, MARCH 25 (Continued)****TRANSPORTATION, Room 103, LOB**

1:45 p.m. **HB 1249**, relative to refunds of the road toll paid by an exempt governmental entity using a credit or fuel card.

**WAYS AND MEANS, Room 103, SH**

9:00 a.m. **HB 1195**, establishing a committee to study the impacts of the property tax on New Hampshire's residents, businesses, municipalities, and the economy.

9:15 a.m. **HB 1333**, establishing a committee to study the feasibility of prorating the elderly property tax exemption in certain cases.

**WEDNESDAY, MARCH 26****ENERGY AND NATURAL RESOURCES, Room 101, LOB**

9:45 a.m. **HB 1295**, relative to the definition of livestock.

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, SH**

9:40 a.m. **HB 685**, relative to state agency communications.

10:00 a.m. **HB 1102**, relative to membership of the police standards and training council.

**PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB**

9:30 a.m. **HB 1261-FN-L**, increasing the fee charged for delivery of notice of civil forfeiture of an unlicensed dog.

9:45 a.m. **HB 1246**, relative to the composition of public agency boards concerning housing standards.

10:15 a.m. **HB 1460**, relative to the date of appointment of inspectors of election.

**TUESDAY, APRIL 1****JUDICIARY, Room 100, SH**

10:30 a.m. **HB 1435**, requiring law enforcement officials to disclose specific information relating to a police checkpoint.

**HOUSE FLOOR ACTION**

Wednesday, March 19, 2014

Thursday, March 20, 2014

**HB 1101-FN**, relative to the recovery of overpayments by the retirement system and establishing a committee to study the policies and procedures of the retirement system for benefits wrongfully paid. **Inexpedient to Legislate.**

**HB 1110**, relative to the penalty for sales chasing by certified assessors. **Ought to Pass with Amendment.**

**HB 1121**, repealing the duty of assessors to compile a list of dogs in the town. **Ought to Pass.**

**House Floor Action** - continued

**HB 1130-FN-L**, relative to the Northeastern Interstate Forest Fire Protection Compact. **Ought to Pass with Amendment.**

**HB 1171**, relative to eligibility for the veterans' property tax credit. **Inexpedient to Legislate.**

**HB 1196**, allowing town and cities to waive a portion of the interest due on late property tax payments in special or extraordinary circumstances. **Ought to Pass with Amendment.**

**HB 1213-FN**, prohibiting the purchase of alcohol or tobacco products with electronic benefit transfer (EBT) cards. **Interim Study.**

**HB 1285**, relative to recommendations by the department of revenue administration regarding municipal fund balance retention. **Inexpedient to Legislate.**

**HB 1307**, prohibiting the state and political subdivisions from acquiring military-equipped vehicles or equipment which are not readily available in an open national commercial market. **Inexpedient to Legislate.**

**HB 1311**, relative to the exemption period for the property tax exemption for water and air pollution control facilities. **Inexpedient to Legislate. NHMA Policy.**

**HB 1350**, relative to prior public hearings for acceptance of unanticipated funds. **Ought to Pass with Amendment.**

**HB 1354**, relative to municipal appropriations for certain capital projects. **Inexpedient to Legislate.**

**HB 1374**, repealing the priority status of the widening of I-93 from Manchester to the Massachusetts border in the state of New Hampshire 10 year transportation improvement plan. **Interim Study.**

**HB 1406-FN**, relative to red list bridges. **Ought to Pass.**

**HB 1458**, authorizing towns and cities to establish special assessment districts. **Interim Study.**

**HB 1466**, relative to modification of a tax increment financing plan. **Ought to Pass with Amendment.**

**HB 1471-L**, relative to the proration of payments in lieu of taxes for renewable generation facilities among school districts. **Inexpedient to Legislate.**

**HB 1472**, relative to equalized property valuation used to apportion expenses in cooperative and multi-town school districts. **Inexpedient to Legislate.**

**House Floor Action** - continued

**HB 1493-FN-L**, relative to members of the retirement system working after retirement, and relative to membership of political subdivision officials appointed for fixed terms. **Inexpedient to Legislate.**

**HB 1549**, relative to assessment of renewable generation facility property subject to a voluntary payment in lieu of taxes agreement. **Ought to Pass with Amendment.**

**HB 1560-FN-L**, prohibiting the use of funds received from a political subdivision of the state to lobby. **Inexpedient to Legislate.**

**HB 1565-FN**, establishing the crime of filing false lien or encumbrance against a public servant. **Laid on Table.**

**HB 1570-FN**, establishing a paint stewardship program. **Ought to Pass with Amendment.**

**HB 1571-FN-L**, relative to breastfeeding. **Ought to Pass with Amendment.**

**HB 1574-FN**, relative to the cap on total billings to counties for nursing home care costs. **Interim Study.**

**HB 1590-L**, relative to payments in lieu of taxes for renewable generation facilities in unincorporated places. **Ought to Pass with Amendment.**

**SENATE FLOOR ACTION**

*There is no Senate Floor Action to report in this Bulletin.*

**2014 Road Agents Association Scholarship Program****Two \$1200 Scholarships Will be Awarded!**

Two \$1200 scholarships will be given to graduating seniors in the top 25% of their class and proceeding on to accredited post-secondary institutions OR to students currently enrolled in post-secondary institutions who are the sons or daughters of NH Road Agents Association members. NH Road Agents Association members include entire municipalities and vendor companies. The students must maintain 2.5 or higher post-secondary grade point averages and be enrolled in the next semester to receive the awards. Click here to review the [Scholarship Summary Sheet](#) and [Application](#). Completed applications should be mailed to the Town of New London, Attention Richard Lee, 375 Main Street, New London, NH, 03257. Application deadline: **April 1, 2014.**

## NHMA Webinar

### Legislative Happenings at the State House at Crossover

Date: March 31, 2014

Time: 12:00 noon - 1:00 PM

Contact Phone: 603.224.7447

Join us on **Monday**, March 31 at noon!

Join Government Affairs Counsel Cordell Johnston and Government Finance Advisor Barbara Reid for a look at the status of legislation affecting municipalities after "Crossover." Crossover is the date (March 27 this year) by which a bill must pass either the House or the Senate in order to "cross over" to the other chamber for consideration.

This webinar will discuss the prospects for bills still alive at the State House, and offer a post-mortem on a few that have been killed. The discussion will include, among others, legislation on highway funding, the Right-to-Know law, the retirement system, planning and zoning issues, and tax rate setting.

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

[Click Here to Register Today!](#)

## 2014 Local Officials Workshops

Presented by NHMA's Legal Services attorneys, the 2014 *Local Officials Workshops* provide elected and appointed municipal officials with the tools and information needed to effectively serve their communities.

This workshop is **for NHMA members only**. Although there is no registration fee, online pre-registration is required one week prior to the event date. Attendees will receive a copy of NHMA's 2014 edition of *Knowing the Territory*. Continental breakfast and lunch will also be provided.



Wednesday, April 9:	Keene Recreation Center, Keene
Monday, April 14:	Newington Town Hall, Newington
Wednesday, April 23:	Veteran's Hall, Newbury
Thursday, May 1:	Littleton Opera House, Littleton
Saturday, May 10:	NHMA Offices, 25 Triangle Park Drive, Concord

Each workshop runs from 9:00 am – 4:00 pm. For more information, or to register online, please visit [www.nhmunicipal.org](http://www.nhmunicipal.org) and click on Calendar of Events. If you have other questions, please contact us at 800.852.3358, ext. 3350, or email [nhmaregistrations@nhmunicipal.org](mailto:nhmaregistrations@nhmunicipal.org).