

LEGISLATIVE BULLETIN

Bulletin #18

2014 Session

May 2, 2014

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Crunch Time

There is about one month left in the 2014 legislative session. As the days dwindle, events can become “curiouser and curiouser”—for example, a marijuana legalization amendment getting attached to a casino gambling bill (although, actually, that may not be such a strange combination). Legislation that we thought was dead—for example, notice of zoning hearings (see article below) or preference for veterans in hiring (see article further below)—could pop up in surprising places and without warning. It becomes necessary to review the House and Senate calendars carefully for amendments, and to pay attention for unpublished floor amendments.

In the next two weeks, the House and Senate will be taking final action on all bills, and then committees of conference will begin their work. The schedule for the remainder of the session is as follows:

- May 8 – deadline for committees to report all remaining bills
- May 15 – deadline for House to act on Senate bills and for Senate to act on House bills
- May 22 – deadline to form committees of conference
- May 30 – deadline for committee of conference reports
- June 5 – deadline to act on committee of conference reports; session ends

This is when the fun begins, especially if you like sausage. Stay tuned!

NHMA Government Affairs Contact Information

Judy A. Silva
Executive Director

Cordell A. Johnston
Government Affairs Counsel

Barbara T. Reid
Government Finance Advisor

Timothy W. Fortier
Communications & Member Services Coordinator



25 Triangle Park Drive
Concord, NH 03301

Tel: 603.224.7447/Fax: 603.415.3090
NH Toll Free: 800.852.3358

Email: governmentaffairs@nhmunicipal.org
Website: www.nhmunicipal.org

FEMA Match

On **Tuesday May 6**, Division II of the House Finance Committee will hold a work session on **SB 409**, which appropriates approximately \$5 million to reimburse local governments (municipalities, schools, village districts, and other entities) for the 12.5% state share of disaster assistance for nine disasters that occurred between February 2010 and July 2013. More than 200 municipalities would receive reimbursement in fiscal year 2016 under this bill. Click [here](#) to see the list. The full Finance Committee is scheduled to vote on the bill on **Thursday, May 8**. Please contact members of the [House Finance Committee](#) and urge their support of **SB 409**.

Interim Study for Zoning Notice Bill

After a lengthy discussion, the House Municipal and County Government Committee voted on Tuesday to recommend sending **SB 228**, the bill dealing with notice of zoning hearings, to interim study. As discussed in [last week's *Bulletin*](#), NHMA had submitted a proposed amendment that would allow all property owners to receive notice of zoning hearings by electronic notice or first-class mail, subject only to making a request every three years (and possibly paying a small fee for notice by mail). The subcommittee did not go for that proposal, but recommended an amendment under which notice would be sent to owners of all affected properties if there were 100 or fewer such properties.

On the full committee, opinions varied significantly, but one thing almost everyone agreed on was that they couldn't find an ideal solution. Fortunately, a number of members recognized the difficulty of identifying the properties that are "affected" by a given zoning amendment. (It is not simply a matter of counting the number of properties in a zoning district. If a proposed zoning amendment prohibits construction of a fence within 50 feet of an intersection, someone would have to determine how many properties are within 50 feet of an intersection. If an amendment prohibits development within 100 feet of a wetland, someone would have to determine how many properties are within 100 feet of a wetland. And on and on.)

With no consensus on a solution, most agreed that the bill needed more work, and the committee voted 14-5 to send the bill to Interim Study. (The minority report recommends Inexpedient to Legislate.) We believe that is the best result that could have been achieved under the circumstances. Assuming the full House adopts the committee recommendation next week, the bill is effectively dead. However, as noted in the first article above, the dead have a habit of coming back to life at this time of year, so don't go home yet.

Veterans' Preference Still an Issue

SB 296, the bill providing a preference in hiring to veterans and disabled veterans, was removed from the table in the House this week, but was back on the table a few minutes later. As explained in [Bulletin # 17](#), the bill had been tabled last week because of confusion over some of its provisions, including how it would apply to municipalities. We have concerns about how municipalities would comply with the bill, which requires public employers to give veterans and disabled veterans a preference in hiring for any position that "requires merit-based selection and promotion to be ascertained by competitive examination."

The bill was removed from the table during the House session on Wednesday, but passing it required a suspension of the rules, because the bill needs to go to a second committee, and the deadline for acting on bills going to a second committee had already passed. Suspension of the rules requires a two-thirds majority, and the motion failed to achieve that margin, falling just short at 223-114. At that point, the bill was laid back on the table.

Veterans' Preference - continued

Although **SB 296** itself is probably dead, we are concerned that its language may be attached to another bill in either the House or the Senate. Again, NHMA has no objection to giving an advantage to veterans, but we believe it will be difficult and confusing for municipalities to comply with the bill as written. We will watch for a revival of the issue; in the meantime, please make sure your legislators in both chambers are aware of your concerns.

Paint Bill Killed

HB 1570, which would have established a paint stewardship program and reduced municipal disposal costs, was killed by the Senate this week when a committee recommendation to pass the bill was rejected by a 7-16 vote. Although we knew its passage was questionable, we expected the vote to be closer. We believe there was some reluctance to support what would no doubt have been referred to as the “paint tax”—unfortunate but perhaps inevitable.

We believe this program was a good idea, and we expect it to be back next year. Good legislation doesn't always happen fast.

Flood Control Reimbursement Rejected

In other bad news, the House Finance Committee voted 18-2 on Thursday to recommend killing **SB 370**, which would have made whole the 18 municipalities in the Merrimack River Flood Control Compact and the Connecticut River Valley Flood Control Compact that were shortchanged in their flood control reimbursements in fiscal years 2012 and 2013. The committee's Division II had previously recommended killing the bill, in part on the questionable premise that the affected municipalities had already closed their books for the years at issue and therefore didn't need the money. At this week's executive session, it was mentioned that the money has been restored for future years, and none of the municipalities had complained about not getting reimbursed for 2012-13; therefore, the reasoning went, there was no need to reimburse them.

The message seems to be pretty clear: cities and towns need to complain more. Well, we know how to do that. Although there is little chance of overturning the committee's vote in the full House, consider it a lesson learned. Always make sure your legislators know when you're unhappy! And, by the way, let them know when you're happy, too.

Assessment Rules Adopted

Last Friday the Joint Legislative Committee on Administrative Rules adopted the Department of Revenue Administration's revised rules Rev 600, dealing with property assessments. The previous Rev 600 rules, which have been in effect since 2005, applied only to property assessment contracts for revaluations ordered by the New Hampshire Board of Tax and Land Appeals (BTLA). The newly adopted rules now apply to both BTLA ordered and non-BTLA ordered revaluation contracts, and also address other contracted assessing services such as pick-ups, current use administration and abatement review. Rev 600 is available [here](#), or on the DRA's website.

HOUSE CALENDAR

The House has completed all committee hearings for the year.

SENATE CALENDAR

TUESDAY, MAY 6

JUDICIARY, Room 100, SH

- 9:00 a.m. **HB 312**, restricting the collection of biometric data by state agencies, municipalities, and political subdivisions
- 9:15 a.m. **HB 498**, permitting the use of firearms by military or veterans groups in the compact part of a town for military or veterans events, or national holidays.

HOUSE FLOOR ACTION

Wednesday, April 30, 2014

SB 206-FN, relative to proof of identity by voters. **Ought to Pass with Amendment.**

SB 211, relative to reporting requirements in fatal motor vehicle accident reports. **Ought to Pass.**

SB 237, (New Title) relative to the definition of "abutter" for notice of land use board hearings. **Inexpedient to Legislate.**

SB 244, (New Title) establishing a procedure for the annulment of a mental health record and establishing a commission to study mental health and firearms. **Inexpedient to Legislate.**

SB 279, relative to challenges of voters. **Inexpedient to Legislate.**

House Floor Action - continued

SB 350, (New Title) relative to the transfer of adequacy aid calculation data from the department of education to the department of revenue administration. **Ought to Pass with Amendment.**

SB 372-FN-L, relative to a state infrastructure bank. **Ought to Pass with Amendment.**

SB 387, (New Title) relative to exemptions from the land sales full disclosure act and relative to local land use citations. **Ought to Pass.**

SB 392, (New Title) establishing a commission on rural affairs. **Ought to Pass with Amendment.**

SB 399, (New Title) relative to ethics in public contracting and establishing a committee to study state procurement. **Inexpedient to Legislate.**

SENATE FLOOR ACTION

Thursday, May 1, 2014

HB 1142-FN-A, relative to the road toll for alternative fuels. **Ought to Pass; referred to Finance.**

HB 1145-FN, relative to the proposed Sewalls Falls Bridge in the city of Concord and the Riverdale Road Bridge in the town of New Boston. **Ought to Pass.**

HB 1279, relative to compliance with 2012 National Defense Authorization Act. **Inexpedient to Legislate.**

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

HB 1543, relative to filing for state representative special elections and relative to processing absentee ballots. **Ought to Pass with Amendment. NHMA Policy.**

HB 1559-FN, establishing a New Hampshire state house bicentennial commission and fund. **Ought to Pass with Amendment.**

HB 1570-FN, establishing a paint stewardship program. **Inexpedient to Legislate.**

Current Issues Under the Right-to-Know Law Workshop

Date: May 13, 2014

Time: 6:30—8:30 p.m.

Location: Madison Elementary School, 2069 Village Road, Madison

Contact Email: NHMAregistrations@nhmunicipal.org

Contact Phone: 800.852.3358, ext. 3350

NHMA is hosting a *free* workshop addressing *Current Issues Under the Right-to-Know Law*, presented by an NHMA attorney, at the Madison Elementary School in Madison, New Hampshire.

This free program will provide a detailed review of recurring questions under RSA 91-A, New Hampshire's Right-to-Know Law. Issues addressed will include dealing with confidential information, procedures for non-public sessions, electronic records and communications, and charging for costs of providing records.

A general review of the Right-to-Know Law will be included, and there will be ample time for questions and answers on all aspects of the law.

This program is open to *NHMA members only*. [*Click here to Register Today!*](#)

2014 Local Officials Workshop

Presented by NHMA's 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.

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 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.