

LEGISLATIVE BULLETIN

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State Budget Still Under Construction

The huge turnout at Tuesday's Senate Finance Committee hearings on the state budget made headlines across the state, and was even the buzz among legislative staff and long-time lobbyists. Kudos to the committee for staying past midnight to hear from everyone who signed up to testify.

NHMA submitted written testimony on **HB 1** and **HB 2**, the two bills that comprise the state budget, urging the Senate to

- restore funding for municipal highway and bridge aid, as promised when the gas tax was increased last year,
- restore the catch-up formula for the meals and rooms tax distribution to move municipalities closer to their statutory 40% share, and
- appropriate the state aid grant (SAG) funds necessary to pay the state's share of local water and wastewater projects as required by statute.

Please refer to last week's [Legislative Bulletin](#) for more in-depth information about NHMA's priorities in the state budget. You can also view NHMA's written testimony and attachments by clicking [here](#).

Please continue to talk with your senators about the importance of preserving the state-municipal partnership that maintains much of the critical state infrastructure, to everyone's benefit. The Senate will be making its budget decisions over the next few weeks, so **now** is the time to get involved!

Senate to Hear Cross-Border Liability Bill

The Senate Judiciary Committee will hear testimony next week on **HB 415**, an **NHMA policy bill** that would give out-of-state emergency service entities the same liability protection that New Hampshire entities would have when responding to an incident in New Hampshire. The need for this bill was made clear by an incident to which fire and rescue

Cross-Border Liability - continued

departments from both New Hampshire and Vermont responded. In the lawsuit that grew out of that incident, which was brought in state court in New Hampshire, the New Hampshire entities were protected by liability limits under New Hampshire law, but the Vermont town was not.

Had the lawsuit been filed in Vermont, the Vermont town would have been immune from liability under that state's laws. Under New Hampshire law, municipalities are not immune from liability, but there are liability limits. However, the superior court in New Hampshire ruled that these limits protected only the New Hampshire towns—so the Vermont town not only was deprived of immunity under Vermont law, it received no protection under New Hampshire law, either.

Our concern is that if municipalities from neighboring states do not have the same protection in New Hampshire courts that a New Hampshire entity would have, they will be reluctant to cooperate with New Hampshire municipalities in responding to emergencies that occur near the border. This bill is intended to encourage interstate cooperation without fear of undue liability.

The House passed this bill on its consent calendar based a unanimous committee recommendation. We hope for a similarly smooth road in the Senate, but that certainly is not guaranteed. Any municipality that is near one of our state borders should support this bill. (Fact of the week: according to our cartography department, 58 of New Hampshire's 234 municipalities have a border on another state, and dozens of others are within a few miles.)

The hearing is scheduled for **Tuesday, May 12, at 9:20 a.m., in State House Room 100**. Please consider attending the hearing, or contact [committee members](#) and your own senator and ask them to support this bill.

Petition Supports Repeal of Camera Requirement

A group of election officials has presented a petition to the Senate Finance Committee, urging the repeal of the provision in RSA 659:13, I(c)(2) that requires the moderator at state and local elections to take a picture of any voter who obtains a ballot by completing a challenged voter affidavit, rather than by showing a photo identification. This is the provision that is scheduled to take effect September 1 of this year unless it is repealed. NHMA strongly supports repealing the law, which is completely unnecessary.

The petition was signed by almost 150 moderators, clerks, and other election officials from all over the state. Although NHMA was not involved in this effort, we strongly endorse it. The overwhelming support for repealing the law demonstrates that it is a non-partisan issue, and is solely about ensuring a manageable election process. This is a budget issue because the new law would require the state to buy cameras for every polling place in the state. We urge the Finance Committee to cast a vote for sanity by including a repeal of the camera requirement in **HB 2**.

Camera Requirement - continued

Although the petition has already been submitted, it may not be too late for more election officials to add their names to it. If you are interested, please contact Mike O'Brien at America Votes, mobrien@americavotes.org. You can also contact members of the [Finance Committee](#) and your own senator and urge them to support the repeal.

Zoning Bills Pending

The Senate this week postponed voting on two bills that have implications for local zoning. As we reported in [last week's Bulletin](#) (page 3, "Poker Time"), a Senate committee had attached the language of **SB 141** (voting by zoning boards of adjustment) and **SB 146** (accessory dwelling units) to two other bills, **HB 486** and **HB 102**, respectively, in an effort to force passage of those provisions despite House opposition. (The House has already killed **SB 141** and has yet to act on **SB 146**.) The full Senate was scheduled to vote on **HB 486** and **HB 102**, with amendments, this week, but it postponed action on both bills until next week.

Meanwhile, the House Municipal and County Government Committee is meeting next Tuesday to discuss and vote on **SB 146**, among other bills. Stay tuned.

Committee to Study Use of Police Details and Flaggers

The House this week passed **SB 234**, which would establish a legislative committee to study the use of police details and flaggers for traffic control on local roads. As introduced in the Senate, the bill would have required municipalities to follow Department of Transportation guidelines for traffic control in work zones, but because of opposition from police groups and concerns expressed by NHMA, it was amended in the Senate to establish a committee to study the issue. The House passed the bill in the same form as the Senate.

The bill's focus is a concern that some municipalities require the use of police officers for traffic control related to public utility work when they could employ non-police flaggers at about one-third the cost. The cost is typically borne by the utility company, and the utilities would like to reduce their costs. We understand that concern, but we also have concerns about enacting a state law that would effectively repeal local ordinances.

The bill will go next to the Governor. Assuming she signs it (which is not a certainty), the committee will study the issue over the summer and fall and report its findings by November 1. If your municipality has an ordinance that addresses the use of police officers and/or flaggers for traffic control in work zones, or if you are interested in the issue, we would like to hear from you.

Click [here](#) for the NH School Boards Association's
Legislative Bulletin.

HOUSE CALENDAR

Joint House/Senate Meetings Are Listed Under This Section

MONDAY, MAY 11

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), NH Department of Revenue Administration, 109 Pleasant St., Concord

9:30 a.m. Regular board meeting.

TUESDAY, MAY 12

JUDICIARY, Room 208, LOB

10:00 a.m. **SB 41**, establishing a commission to study government immunity from suit and accountability by its citizens.

1:00 p.m. **CACR 5**, relating to legal actions. Providing that taxpayers have standing to bring actions against the government.

FRIDAY, MAY 15

Fish and Game, Conference Room, 11 Hazen Drive, Concord

9:00 a.m. Regular meeting.

SENATE CALENDAR

TUESDAY, MAY 12

JUDICIARY, Room 100, SH

9:20 a.m. **HB 415**, limiting liability of out-of-state emergency services entities responding to incidents in New Hampshire. **NHMA Policy.**

10:20 a.m. **HB 287**, allowing citizens to record by audio or video a traffic stop by law enforcement officers.

HOUSE FLOOR ACTION

Wednesday, May 6, 2015

SB 30-FN-L, (2nd New Title) permitting counties with unincorporated areas to establish tax increment financing districts. **Passed with Amendment.**

SB 63, relative to membership of the board of directors for the New Hampshire rail transit authority. **Recommended to Committee.**

SB 105, (New Title) relative to child-resistant packaging for tobacco products and establishing a committee to study revising the indoor smoking act. **Inexpedient to Legislate.**

House Floor Action - continued

SB 106-FN, restricting the sale or possession of synthetic drugs. **NHMA Policy. Passed with Amendment.**

SB 135-FN, relative to lead poisoning in children. **Passed with Amendment.**

SB 234, (New Title) establishing a committee to study the use of law enforcement details and flaggers for traffic control on municipally maintained roads. **Passed.**

SENATE FLOOR ACTION

Thursday, May 7, 2015

HB 133, relative to recounts on questions. **Passed with Amendment.**

HB 286, relative to permits issued by building inspectors. **Inexpedient to Legislate.**

HB 460, (2nd New Title) establishing a commission to study revenue alternatives to the road toll for electric-powered and hybrid vehicles for the funding of improvements to the state's highways and bridges. **Passed with Amendment.**

HB 502, relative to petitions for verification of checklists. **Re-referred to Committee.**

HB 689, relative to adoption of a default budget. **Re-referred to Committee.**

Right-to-Know Law: Current Issues

When: June 11, 2015

Time: 7:00—9:00 p.m.

Location: 645 Old Turnpike Road, Salisbury NH

Call 800-852-2258, ext. 3350 for more information

Click [here](#) to register on-line (*free to NHMA members*)

NHMA Webinar

NHMA Webinar - It's All About the People

Event Date: Wednesday, May 20, 2015

Time: 12:00 PM - 1:00 PM

Contact: NHMA (603) 224-7447 Ext. 3408

The success of local government rests on the shoulders of local officials, employees, and volunteers, from select boards and department heads to planning board members and seasonal employees. This means that each city and town must strive to build a strong and effective team, which is not always easy to do. So take a break with Legal Services Attorneys Stephen Buckley and Margaret Byrnes to talk about the variety of issues that arise when you are trying to recruit, hire and retain that team, including New Hampshire employment law, volunteerism, best practices, and more.

This webinar is open to members of the New Hampshire Municipal Association.

[Click here to register before May 19](#)

2015 Local Officials Workshops

Presented by NHMA's Legal Services attorneys, the 2015 *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 2015 edition of *Knowing the Territory*. Continental breakfast and lunch will also be provided.

Friday, May 15:	Conway Professional Development Center, Conway
Saturday, May 16:	Bethlehem Town Hall, Bethlehem
Saturday, May 30:	NHMA Offices, 25 Triangle Park Drive, Concord



Each workshop runs from 9:00 am – 3:00 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.