

LEGISLATIVE BULLETIN

Bulletin #17

2013 Session

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State Budget Update

This week the Senate Finance Committee began reviewing the biennial operating budget passed by the House, with presentations by the House Finance Committee division chairs and the Legislative Budget Assistant. Next week the committee will begin meeting with state agencies to delve further into the numbers in **HB 1** and the law changes proposed in **HB 2**.

Policy Bill Update

Five **NHMA policy bills** that have passed the Senate are scheduled for hearings in the House next week. The bills, with times and locations of the hearings, are as follows:

- **SB 11**, allowing municipalities to establish water resources utility districts. **Tuesday, April 16, at 10:00 a.m. in LOB Room 301**, before the Municipal & County Government Committee.
- **SB 31**, which makes permanent the municipal transfer station exemption from the ban on combustion of construction and demolition debris. **Wednesday, April 17, at 1:15 p.m. in LOB Room 304**, before the Science, Technology & Energy Committee.
- **SB 49**, amending the procedure for appeals of planning board decisions. **Wednesday, April 17, at 10:00 a.m. in LOB Room 301**, before the Municipal & County Government Committee.
- **SB 58**, allowing two municipalities to enter into an agreement for a payment in lieu of taxes when one municipality owns property in the other for the purpose of a water supply or flood control. **Tuesday, April 16, at 10:30 a.m. in LOB Room 301**, before the Municipal & County Government Committee.
- **SB 197**, which authorizes SB 2 towns to submit an appropriation for a user fee-funded water or sewer system as a separate warrant article, and to include a default amount for the appropriation that will take effect if the proposed appropriation is defeated. **Tuesday, April 16, at 11:00 a.m. in LOB Room 301**, before the Municipal & County Government Committee.

Gambling Bill Gets House Scrutiny

While the Senate is now occupied with the budget and other bills passed by the House, the House will be focusing on Senate bills. One of the most closely watched will be **SB 152**, which authorizes video lottery machines and table gaming. This week the House Speaker announced that a joint committee comprising members of both the House Finance Committee and the House Ways & Means Committee will deal with **SB 152** to ensure that the bill will be “given the level of scrutiny needed for an undertaking of this magnitude.”

This 45-member joint committee will hold a public hearing on **Tuesday, April 16, at 10:15 a.m. in Representative Hall at the State House**. The chair of the joint committee stated that this hearing will give “the community an opportunity to provide us with feedback on how they think expanded gambling will impact their communities and our state as a whole.” On **Wednesday, April 17, at 9:30 a.m. in LOB Room 210**, the joint committee will hear expert testimony and discuss the process and focus for each of the subcommittees that will be established next week.

SB 152 would allow video lottery machines and table games at one location in the state, pursuant to a competitive bidding process. According to the fiscal note on the version of the bill passed by the Senate, there would be an initial license fee of \$80 million and the assumption that a temporary facility housing 2,500 video lottery machines and 50 table games would be operational by October, 2014. Distribution of the “net machine income” from this operation includes portions of the revenue going toward

- Debt payments for the I-93 expansion,
- Local highway and bridge betterment projects,
- Highway block grants for municipalities,
- Economic development in the north county,
- University System and Community College System,
- Host municipality,
- Abutting municipalities, and
- Various state agencies.

Additionally, a portion of the daily gross revenue from table gaming would go into the education trust fund, reducing the amount of the general fund subsidy (estimated to be \$100 million in fiscal year 2014) needed annually to fund education adequacy costs.

While NHMA does not have a policy position on **SB 152**, we will still keep you apprised as the House deliberates on this bill.

More Municipal Bills

In addition to the policy bills mentioned above, a number of other bills of municipal interest are making their way through the legislature. The following are a few of them:

Municipal Bills - continued

- **SB 111** allows a town's legislative body, by a two-thirds majority vote (three-fifths in an SB 2 town), to appropriate funds for a term of up to five years for any project for which it would be lawful to issue a bond or note under RSA 33:3 or 33:3-c. Although the bill's title refers to a "capital reserve plan," it is not a capital reserve plan — it is a non-lapsing appropriation over a period of years. The warrant article would designate the amounts to be appropriated in each year, and those amounts would be deemed automatically appropriated each year unless the town meeting rescinds the action before the end of the term. In an SB 2 town, the amount designated for each year would be included in that year's default budget.

An unrelated section of the bill allows a municipality to send water and sewer bills electronically upon request of the customer. This corrects an omission that occurred last year when the legislature authorized electronic transmission of property tax bills. That legislation originally applied to water and sewer bills as well, but those provisions were inadvertently deleted. The bill has passed the Senate and is scheduled for a hearing in the House Municipal & County Government Committee next **Wednesday, April 17, at 1:00 p.m. in LOB Room 301.**

- **HB 134** authorizes a town to establish a contingency fund "to meet the cost of unanticipated expenses that may arise during the year." The fund may not exceed one percent of the amount appropriated by the town during the preceding year, excluding capital expenditures and the amortization of debt. Both houses have passed the bill, but the Senate made a minor amendment, so it must go back to the House for concurrence or non-concurrence.
- **HB 138** allows an SB 2 town to include a topical description of the substance of a proposed ordinance, or amendment to an ordinance, on the official ballot for the second session of town meeting, in lieu of the full text of the ordinance or amendment. It requires a copy of the full text of the ordinance or amendment to be placed on file at the clerk's office, and another copy to be on display at the polling place on the day of the second session. The bill as passed by the House is a bit confusing; the Senate Public & Municipal Affairs Committee has recommended an amendment that significantly improves the bill, and it is scheduled for a vote by the full Senate next Thursday, April 18.
- **HB 429** changes the manner of service of process for a civil action against a city. Current law requires service "upon the mayor or one of the aldermen and the city clerk." This makes sense in a city that has a full-time mayor, but does not work so well in a council-manager city. The bill amends the law to allow service in the latter case upon the city manager and the clerk. The bill passed the House and has had a hearing in the Senate Public & Municipal Affairs Committee, which has yet to take action on it.

HOUSE CALENDAR
Joint House/Senate Meetings Are Listed Under This Section

TUESDAY, APRIL 16

JUDICIARY, Room 208, LOB

10:00 a.m. **SB 108**, relative to the liability of landowners who permit use of their land for recreational activities.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 11-L**, relative to water and sewer utility districts and water or sewer utility districts. **NHMA Policy.**

10:30 a.m. **SB 58**, relative to the taxation of water works or flood control land held in another town or city. **NHMA Policy.**

11:00 a.m. **SB 197**, relative to the inclusion of a default budget in separate warrant articles submitted by sewer commissions. **NHMA Policy.**

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

11:15 a.m. **SB 124-FN**, establishing an integrated land development permit.

1:15 p.m. **SB 163**, establishing a commission to recommend legislation to prepare for projected sea level rise and other coastal and coastal watershed hazards.

1:45 p.m. **SB 164**, authorizing coastal management provisions in master plans.

SCIENCE, TECHNOLOGY AND ENERGY, Room 303, LOB (Please note room change.)

2:00 p.m. **SB 179**, clarifying the definition of “renewable generation facility” for purposes of payments in lieu of property tax payments.

WEDNESDAY, APRIL 17

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 49**, relative to appeals of planning board decisions. **NHMA Policy.**

10:30 a.m. **SB 50**, relative to expiration of variances and special exceptions.

11:30 a.m. **SB 102**, relative to the selection of members of the conservation commission.

1:00 p.m. **SB 111**, permitting municipalities to establish a capital reserve plan for expenditure of capital reserve funds and relative to electronic billing by municipal utilities.

1:30 p.m. **SB 172-FN-L**, relative to public funds.

SCIENCE, TECHNOLOGY AND ENERGY, Room 304, LOB

9:00 a.m. **SB 123-FN-L**, relative to the use of proceeds from the regional greenhouse gas initiative program.

1:15 p.m. **SB 31**, relative to a ban on the incidental combustion of untreated wood at municipal transfer stations. **NHMA Policy.**

House Calendar - continued**THURSDAY, APRIL 18****WAYS AND MEANS, Room 202, LOB**

1:00 p.m. **SB 128-FN-L**, relative to fees for vital records.

TUESDAY, APRIL 23**PUBLIC WORKS AND HIGHWAYS, Room 201, LOB**

10:30 a.m. Rescheduled public hearing on **SB 192-FN-L**, establishing a committee to study the establishment of a state infrastructure bank.

SENATE CALENDAR**WEDNESDAY, APRIL 17****PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB**

9:00 a.m. **HB 634**, relative to water resource management and protection plans in municipal master plans.

9:30 a.m. **HB 655-FN**, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property.

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





2013 LOCAL OFFICIALS WORKSHOPS

Presented by New Hampshire Municipal Association's Legal Services attorneys, the 2013 Local Officials Workshops provide elected and appointed municipal officials with tools and information to effectively serve their communities.

APRIL 3 – MAY 11
9:15 a.m. – 3:15 p.m.

A workshop for NHMA Members.
No registration fee • Pre-registration required

Attendees will receive a copy of NHMA's 2013 edition *Knowing the Territory*.
Continental breakfast and lunch will be provided.

Basic Workshops

An overview of the Right to Know Law, town governance, public employment, liability and more will be provided. Interactive discussions will offer an opportunity to test scenarios, discuss concerns, ask questions and share ideas.

Wednesday, April 3
Keene Recreation Center

Wednesday, April 10
Moultonborough Public Safety Building

Cancelled — Tuesday, April 23
Gorham Town Hall

Friday, May 3
McConnell Center, Dover

In-Depth Workshops

These workshops offer more in-depth coverage of the specific topics listed under each date.

Part I, Saturday, May 4
Local Government Center, Concord
Topics will include the Right to Know Law, town governance, and budget law.

Part II, Saturday, May 11
Local Government Center, Concord
Topics will include liability, public employment, conflicts of interest, and streets and highways.

For more information or to
register online, please visit
www.nhmunicipalassociation.org
and click on Training & Events.

Online pre-registration required one week prior
to event date. Space is limited!

Questions? Call 800.852.3358, ext. 3350
or email registrations@nhlgc.org.