

LEGISLATIVE BULLETIN

Bulletin #16

2013 Session

April 5, 2013

INSIDE THIS ISSUE:

Local Welfare	2
Retiree Notification	2
Processing Absentee Ballots	3
House and Senate Calendars	4
Floor Action	5
Local Officials Workshops	6

House Passes Operating Budget

On Wednesday the House acted on **HB 1**, the biennial state operating budget that will take effect July 1, 2013, and **HB 2**, the trailer bill that enacts statutory changes necessary to implement the budget. As expected, these bills passed the House along party lines, with only Democrats voting “yea” on both bills and all Republicans (plus a sprinkling of Democrats) voting “nay” on both bills. The final tallies were 194-172 on **HB 1** and 193-166 on **HB 2**. The following are the municipal highlights as the budget now crosses over to the Senate for its deliberation:

- Meals & rooms tax distribution: As a result of the restoration of the statutory catch-up formula for the second year of the biennium, \$58.8 million in fiscal year 2014 increases to \$63.8 million in fiscal year 2015, for a total appropriation of **\$122,610,114**. This is a welcome result for municipalities, as the catch-up formula has been suspended since 2009. **(NHMA Policy.)**
- State aid environmental grants (water, wastewater, and landfill closure): Funding for current state obligations in fiscal years 2014 and 2015, **PLUS** full funding for 127 projects on the delayed and deferred list beginning in fiscal year 2015, for a biennium total appropriation of **\$14,563,737**. **(NHMA Policy.)**
- Land and Community Heritage Investment Program (LCHIP): Total appropriation for the biennium of **\$5,450,000**. **(NHMA Policy.)**
- Highway block grant funding: An estimated \$10.5 million increase over the biennium as a result of the four-cent increase each year in the road toll (gas tax), for a biennium total appropriation of **\$70,582,913**. **(NHMA Policy.)**
- State aid bridge/highway funding: An increase of \$8.5 million each year, again resulting from the increased road toll, for a biennium total appropriation of **\$30,600,000**. **(NHMA Policy.)**

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Operating Budget - continued

The Senate Finance Committee will now begin holding hearings and crafting the Senate version of the budget based upon its priorities and the revenue estimates provided by the Senate Ways & Means Committee. While we are officially two-thirds of the way through the budget process (the Governor and House phases), there is still a lot of work to be done to ensure that the municipal funding adopted by the House remains a priority in the Senate.

House to Hear Local Welfare Bill

The House Committee on Health, Human Services, and Elderly Affairs will hear testimony next week on **SB 146**, which would change the law regarding local welfare assistance for recipients of old age assistance (OAA) and aid to the permanently and totally disabled (APTD). The hearing is scheduled for **Tuesday, April 9, at 10:00 a.m., in LOB Room 205.**

Current law (RSA 167:27) states that no person receiving OAA or APTD from the state may simultaneously receive any other relief from the state or from any political subdivision, “and the acceptance of such relief shall operate as a revocation of [OAA] or [APTD].” Thus, municipalities are not obligated — indeed are not permitted — to provide assistance under RSA 165 to anyone receiving OAA or APTD.

SB 146 as introduced would have repealed this limitation, thus expanding the number of individuals to whom municipalities would be obligated to provide assistance under RSA 165. NHMA opposed the bill because it obviously would have resulted in a mandated increase in costs to municipalities. The Senate amended the bill to provide that a municipality may provide assistance under RSA 165 to a person who is also receiving OAA or APTD, if the municipality’s welfare guidelines authorize assistance to such persons.

We are aware that this change may increase the incidence of “shopping” for local assistance if some municipalities choose to provide assistance to OAA and APTD recipients and others do not. This is hardly ideal, but we think it is preferable to mandating that all municipalities assume an additional financial obligation. Further, NHMA does generally support local option legislation, and by enabling a municipality to provide assistance to OAA and APTD recipients if authorized by its welfare guidelines, the bill gives local officials the ability to make this choice in a deliberate manner. If local officials have concerns about the bill, they are encouraged to attend the hearing, or contact [committee members](#) or their own representatives.

Hearing on Retiree Notification Bill

HB 364 places a new requirement on the New Hampshire Retirement System (NHRS) and employers to provide written notice annually about the maximum number of hours (generally 32 hours per week) that an NHRS retiree may work for one or more NHRS employers without jeopardizing pension benefits. We are not concerned at all with the issue of advising retirees of this limitation. However, we are concerned about the potential liability to employers that this requirement may cause in the event that a retiree exceeds the hourly limitation and is required to pay back pension benefits to the NHRS.

Retiree Notification Bill - continued

The bill states that “*An employer who provides the notices required in paragraph I shall not be held liable for any consequences to the employee resulting from the employee’s restoration of service due to exceeding the hourly limitations on part-time employment as defined in RSA 100-A:1, XXXIV.*” An employee could easily claim that the employer never provided such notice and that the employer, rather than the employee, is therefore liable for any financial consequences imposed by the NHRS. To avoid liability, the employer might have to prove that notice was in fact provided. Our position in the House was that an annual notice from the NHRS to its retirees is both reasonable and sufficient without creating a new liability for employers. **HB 364** is scheduled for a hearing before the Senate Executive Departments and Administration Committee on **Wednesday, April 10, 2013 at 9:20 a.m. in State House Room 100.** Please let [committee members](#) know that you share this concern!

Committee Recommends Earlier Start for Processing Ballots

The Senate Public & Municipal Affairs Committee heard testimony this week on **HB 183**, an **NHMA policy bill** that modifies the requirement that moderators wait until 1:00 p.m. on election day to begin processing absentee ballots. As originally introduced, the bill would have eliminated the requirement altogether and allowed processing to begin anytime after the polls opened, but the House amended the bill to allow processing to begin two hours after the polls open. Five people spoke in support of the bill at this week’s hearing: three town moderators, two of whom are also legislators and sponsors of the bill, a representative of the City and Town Clerks Association, and a representative of NHMA. No one opposed the bill. A representative of the Secretary of State’s office was present but did not register a position.

Several of the bill’s supporters said they preferred the original version of the bill, but were willing to settle for the two-hour delay contained in the House version. After the hearing, the committee voted to amend the bill to restore the original language allowing processing to begin anytime after the polls open, and then voted unanimously to recommend passage of the bill as amended. The bill will go next to the full Senate, probably on April 18, where we are optimistic that it will pass without opposition.

We agree that the bill’s original language is better, and we applaud the committee for voting to restore it. We are mildly concerned, however, because amending the bill means it will need to go back to the House and may end up in a committee of conference, where surprises often lurk. We will pay close attention to this bill when it returns to the House, and we urge moderators and other local officials to do the same. In the meantime, we encourage the Senate to adopt the committee’s recommendation of Ought to Pass with Amendment.

HOUSE CALENDAR

Joint House/Senate Meetings Are Listed Under This Section

TUESDAY, APRIL 9

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS, Room 205, LOB

10:00 a.m. **SB 146-FN-L**, relative to aid to the permanently and totally disabled and old age assistance.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 62**, authorizing the placement of a certain sign in the town of Danbury.
10:15 a.m. **SB 2**, relative to the calculation of the local tax cap.

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

10:00 a.m. **SB 188-FN**, relative to municipally-owned utilities.

RESOURCES, RECREATION AND DEVELOPMENT, Room 305, LOB

10:15 a.m. **SB 64**, relative to public informational meetings on dams. **NHMA Policy**.
10:45 a.m. **SB 131-FN-L**, relative to a permitting process for the removal of submerged logs from certain great ponds.

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

10:00 a.m. **SB 101**, relative to collocation and modification of personal wireless services facilities.

WEDNESDAY, APRIL 10

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 306, LOB

1:00 p.m. **SB 90**, establishing a committee to study developing a policy for veteran preference for government hiring.
2:00 p.m. **SB 132-FN**, establishing a committee to study police special details.

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

10:00 a.m. **SB 43**, relative to the property taxation of qualifying historic buildings.
11:00 a.m. **SB 12**, relative to protection and preservation of significant archeological deposits.
1:00 p.m. **SB 80**, relative to expanding the community revitalization tax relief program to provide incentives for rehabilitating historic structures.

TUESDAY, APRIL 16

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

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

SENATE CALENDAR

TUESDAY, APRIL 9

COMMERCE, Room 101, LOB

1:20 p.m. **HB 357**, prohibiting an employer from using credit history in employment decisions.
2:00 p.m. **HB 414**, relative to privacy in the workplace.
2:20 p.m. **HB 501-FN**, instituting a state minimum hourly rate.

Senate Calendar - continued**JUDICIARY, Room 100, SH**

10:20 a.m. **HB 442**, prohibiting residency restrictions for registered sex offenders and offenders against children.

WEDNESDAY, APRIL 10**ENERGY AND NATURAL RESOURCES, Room 101, LOB**

9:15 a.m. **HB 393**, relative to effluent limitations with regard to nitrogen and phosphorus.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 100, SH

9:20 a.m. **HB 364**, relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment.

9:40 a.m. **HB 591**, relative to an abusive work environment and the health and safety of public employees.

PUBLIC AND MUNICIPAL AFFAIRS, Room 102, LOB

9:00 a.m. **HB 139**, relative to the time towns that have adopted official ballot voting have to approve bonding in solid waste management districts. Proposed non-germane amendment to HB 139 # 2013-1198s.

9:30 a.m. **HB 265**, relative to procedures by absentee voters.

9:50 a.m. **HB 506**, relative to certain time periods for adoption and amendment of town codes and ordinances. **NHMA Policy.**

10:05 a.m. **HB 522**, relative to duties of town treasurers. **NHMA Policy.**

10:20 a.m. **HB 429**, relative to service of writs against cities.



FLOOR ACTION
Wednesday, April 3, 2013

HOUSE

HB 1-A, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2014 and June 30, 2015. **Passed with Amendment.**

HB 2-FN-A-L, relative to state fees, funds, revenues, and expenditures. **Passed with Amendment.**

HB 25-FN-A, making appropriations for capital improvements. **Passed with Amendment.**

There is no 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

Tuesday, April 23
Gorham Town Hall

Friday, May 3
McConnell Center, Dover

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

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!