NEW HAMPSHIRE MUNICIPAL ASSOCIATION

FINAL LEGISLATIVE BULLETIN

2015

A Year of Little Change

The 2015 legislative session was notable for the many things that did not happen—for better and for worse. The most significant non-event, of course, was the 2016-17 biennial state budget that did not get signed until mid-September, but there were lots of other things that also didn't happen.

The legislature seemed to be in a cautious mood. For one thing, it enacted relatively few laws—approximately 270, compared to a ten-year average of about 328; and of the bills that did pass, an unusually large number merely created study committees or commissions. In many other cases, a House or Senate committee effectively did the same thing by retaining a bill for study.

Among the issues that were "punted" to committees, subcommittees, or commissions are the valuation of telephone poles and of utility property; the use of police officers or flaggers for traffic control related to utility projects; a requirement that municipalities allow accessory dwelling units in all residential districts; funding of state aid environmental grants; the process for adopting budgets in SB 2 towns; the ability of taxpayers to sue local government; and a number of veterans' credit bills.

As always, much of NHMA's advocacy this year consisted of opposing objectionable legislation, so the relative paucity of new laws is not necessarily a bad thing. However, several of NHMA's policy bills were enacted into law. These include **chapter 170**, providing immunity from liability for out-of-state emergency personnel who respond to an emergency in New Hampshire; **chapter 130**, which authorizes the use of blue lights on fire and emergency medical vehicles; and **chapters 162 and 193**, which clarify that state regulation of mining and quarrying activities does not preempt local regulation. A number of other NHMA-supported bills became law, from allowing the creation of special assessment districts to prohibiting the sale of synthetic drugs.

We thank all of the local officials who assisted in our legislative advocacy this year. Your efforts and your relationships with your legislators are crucial to the effectiveness of our work. We also thank those legislators who always consider how their actions will affect their cities and towns. Finally, thank you to our patient and dedicated staff who work so hard for our members, and who put up with our demands and idiosyncrasies.

On behalf of the staff at NHMA, we hope all of you are having a great summer. Please do not hesitate to contact us if you have questions, concerns, or suggestions.

Judy A. Silva
Executive Director

Cordell A. Johnston
Government Affairs Counsel

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I. CLERKS; ELECTIONS; TOWN MEETING; OFFICIAL BALLOT; CHARTERS

Age Requirement for Assistant Election Official Clarified. **Chapter 5 (HB 135)** clarifies that an assistant election official must be "at least" 17 years of age on the date he or she begins performance of the duties of office. Prior law said the person must be 17 years of age (not "at least" 17). **Effective date July 4, 2015.** ["Effective date" is hereafter abbreviated "E.D."]

Trucks Included in Definition of Antique Motor Vehicle. **Chapter 12 (HB 260)** broadens the definition of "antique motor vehicle" for purposes of vehicle title and registration to include "a truck regardless of weight" that is over 25 years old and is maintained for use in exhibitions, club activities, parades, and other functions, "but not for use in commerce." **E.D. July 4, 2015.**

Changed Process for Appointing Inspectors of Election. **Chapter 55 (HB 140)** transfers responsibility for appointing inspectors of election from the town and ward political party committees to the state political party committees. It also provides that if the state committees do not appoint alternate inspectors of election, the selectmen shall make those appointments in consultation with the moderator. **E.D. August 1,2015**.

All Warrant Articles Must Be Acted Upon Before Adjournment. **Chapter 129 (HB 102)** requires that every article in a town meeting warrant article be acted upon before final adjournment of the meeting. Previous law included this requirement only for towns with 10,000 or more inhabitants. **E.D. August 11, 2015.**

Notice of Recount on Ballot Question. **Chapter 159 (HB 133)** requires the town clerk to provide notice of the time and place for a recount of a question that has been voted on by official ballot at a town meeting. The notice must be mailed, at least three days before the recount, to the first-named voter who requested the recount and to any other person who has requested notice in writing. The notice also must be posted in at least two public places at least 24 hours before the recount. **E.D. August 25, 2015.**

Increased Fee for Preparing Motor Vehicle Documents. **Chapter 163 (HB 258)** increases to $2 (from $1) the fee payable to the municipal clerk for preparation of motor vehicle registration forms. It also allows such forms to be prepared on a printer. (Prior law required the forms to be prepared on a typewriter.) **E.D. July 1, 2015.**

Family Members May Deliver Absentee Ballot to City or Town Clerk. **Chapter 166 (HB 328)** allows a voter's spouse, parent, sibling, or child to deliver an absentee ballot to the city or town clerk as long certain conditions are met, including completion of a form provided by the Secretary of State's office and verification of the family member's identity by the city or town clerk. **E.D. August 25, 2015.**

Committee to Study Budget Adoption in SB 2 Towns. **Chapter 182 (SB 242)** establishes a committee to study the methods of adopting a budget and of voting on the budget and budget amendments in towns that have adopted the official ballot referendum form of town meeting. **E.D. June 26, 2015.**

Fewer Voting Booths Required for Local Elections. **Chapter 196 (HB 493)** reduces the number of voting booths that must be erected for city, town, school district, and village district elections from one booth for every 150 voters on the checklist to one booth for every 200 voters on the checklist. **E.D. July 6, 2015.**

Marriage License Fee Increase. **Chapter 244 (HB 681)** increases the fee for a marriage license from $45 to $50 and requires the clerk to remit $43, instead of $38, from each fee to the state. **E.D. July 1, 2015.**

II. INTERGOVERNMENTAL RELATIONS; RETIREMENT; STATE BUDGET

Committee to Study Funding of State Aid Grant Program. **Chapter 15 (HB 511)** establishes a committee to study the funding of the state aid program for eligible and qualified environmental water and wastewater projects. The committee is to report its findings and recommendations for legislation by November 1, 2015. **E.D. May 5, 2015.**

Committee to Study Meals and Room Tax Distribution Formula. **Chapter 181 (SB 213)** establishes a committee to study the present formula for the distribution of meals and rooms tax revenue to cities and towns, whether the formula should be changed, and, if so, how. The committee will also study alternative methods for municipalities to address the high cost of serving tourism in their communities, including enabling legislation for a local hotel occupancy surcharge. The committee is to report its findings and any recommendations for legislation on or before November 1, 2015. **E.D. June 26, 2015**.

Procurement Card Rebates to NHRS. **Chapter 253 (SB 191)** expands the state's authority relative to contracting for the use of credit card services to include a requirement that the card issuer provide such services to all branches of state government, and to municipalities and other entities that are employers in the New Hampshire Retirement System (NHRS). A portion of the credit card rebates will be used to reduce the NHRS unfunded liability determined under RSA 100-A:16, II. **E.D. September 11, 2015**.

Biennial State Operating Budget and Trailer Bill. **Chapter 275 (HB 1) and Chapter 276 (HB 2)** comprise the state operating budget appropriations and the statutory changes necessary to implement the budget for the two-year period July 1, 2015 through June 30, 2017. A schedule showing state aid to cities, towns and school districts from 2006 through 2017 is available on page 19. Effective date for the following provisions is July 1, 2015:

- **Meals & Room Tax Distribution. Chapter 275 (HB 1) and Chapter 276, section 142 (HB 2)** includes meals and rooms tax funding to municipalities of $63.8 million in fiscal year 2016 and $68.8 million in fiscal year 2017. The statutory "catch-up" formula, suspended in the first year of the biennium but restored in the second year, authorizes municipalities to receive seventy-five percent of any increase in meals and room tax revenues, up to $5 million. The purpose of the catch-up formula is to gradually achieve the statutory apportionment of forty percent to municipalities/sixty percent to the state. Currently, municipalities receive approximately twenty-five percent of the meals and rooms tax revenues. **(NHMA POLICY).**

- **Highway and Municipal Bridge Aid. Chapter 275 (HB 1)** includes $35.4 million and $34.3 million for fiscal years 2016 and 2017, respectively, for highway block grants to municipalities. These amounts reflect additional funding provided from the 4.2 cent increase in the road toll (gas tax) enacted under Chapter 17, Laws of 2014, which took effect July 1, 2014. **(NHMA POLICY).** (Note: funding in fiscal year 2017 drops due primarily to a change in the timing of license renewals from a 4-year cycle to a 5-year cycle, which affects the amount of gross revenues on which the block grant is based). Also included is $1.7 million each year for the state highway construction aid program, which provides grants for improvements to state highways that intersect local roads. Municipal bridge aid is funded at $6.8 million each year. (Note that enactment of the aforementioned 4.2 cent road toll increase was intended to double the amount of municipal bridge aid that had historically been provided, from $6.8 million to $13.6 million per year.) Finally, Chapter 276, section 192 (HB 2) clarifies that not less than twelve percent of gross road toll revenues and motor vehicle fees collected in the preceding fiscal year shall be allocated to the local highway aid fund for highway block grant distribution to municipalities.

- **State Aid Environmental Grants for Water, Wastewater, and Landfill Closure. Chapter 275 (HB 1) and Chapter 276, sections 115-117 (HB 2**) provide $14.9 million over the biennium to fund existing obligations for environmental water, wastewater and landfill closure grants that received local financing approval prior to December 31, 2008. Projects that meet that cutoff date, but were not funded as part of the "delayed and deferred" list in 2013 under Chapter 144, section 101, remain eligible for state aid grants subject to the availability of funding within the current appropriations. The moratorium on any state aid grants for infrastructure projects receiving local financing approval since December 31, 2008, is continued for the biennium.

- **Revenue Sharing. Chapter 276, section 162 (HB 2)** continues the suspension of revenue sharing (approximately $25.2 million per year) for the biennium. This has been suspended since 2009.

- **Flood Control. Chapter 275 (HB 1)** provides $825,000 each year of the biennium for payments-

in-lieu-of-taxes (PILOT) to municipalities in the Merrimack River and Connecticut River interstate flood control compacts, regardless of whether payments are made by other states under the terms of the compacts. Additionally, Chapter 276, section 185 (HB 2) provides $163,285 to partially reimburse flood control municipalities for the shortage in the fiscal year 2013 PILOT as a result of a settlement agreement approved in December 2014. **(NHMA POLICY).**

- **Land and Community Heritage Investment Program (LCHIP). Chapter 275 (HB 1)** includes $3.5 million each year for LCHIP, continuing the funding for this program from revenue raised by the surcharge on the real estate transfer tax recording fee. **(NHMA POLICY).**

- **Cameras for Elections. Chapter 275 (HB 1)** includes $100,000 in fiscal year 2016 for the Secretary of State to purchase cameras for municipal election officials to implement the voter photo identification law enacted in 2012.

- **Adequate Education Grants. Chapter 275 (HB 1)** provides $931 million and $932 million in fiscal years 2016 and 2017, respectively, for adequate education grants to school districts. The funding for fiscal year 2017 reflects provisions in Chapter 276, sections 139 and 258 (HB 2), that raise the funding cap from 108 percent to 160 percent, and begin reducing stabilization grants by 4 percent each year.

- **School Building Aid. Chapter 275 (HB 1)** funds existing state obligations for school building aid while Chapter 276, section 141 (HB 2) continues the moratorium on funding any new school building projects during the biennium.

- **FEMA Match. Chapter 276**, section 163 repeals the funding authorized in 2014 that would have provided approximately $5 million to municipalities and school districts as state match towards federal emergency management assistance (FEMA) grants associated with eight declared disasters that occurred in 2010-2013.

- **State Aid for Funeral Expenses. Chapter 276, section 28 (HB 2)** continues the suspension for the biennium of state payments for the funeral expenses of persons who have been receiving public assistance from the state.

III. MUNICIPAL ADMINISTRATION AND FINANCE MANAGEMENT; LEGAL MATTERS; ECONOMIC DEVELOPMENT; MANDATES; RIGHT TO KNOW LAW; LABOR

Trust Fund Bank Statements. **Chapter 4 (HB 107)** changes the period of retention for municipal trust fund bank statements from permanently to six years after audit. **E.D. July 4, 2015**.

Municipality May Offer Storage Space for Electronic Records. **Chapter 6 (HB 166)** authorizes a municipality to offer storage space to government entities and non-profit organizations for records that are stored electronically or in other media formats. Previous law authorized a municipality to provide storage space only for paper records. **E.D. July 4, 2015**.

New Month for Inspection of Municipal Vehicles. **Chapter 46 (SB 231)** authorizes the Division of Motor Vehicles to make a one-time change to the inspection schedule for municipal fleet vehicles. Previously, municipal vehicles were to be inspected by March; the intent is to change this to September. **E.D. May 18, 2015.**

Redevelopment Districts in Unincorporated Places. **Chapter 47 (SB 30)** authorizes the establishment of business development districts in unincorporated places, as designated by the county commissioners and approved by the county delegation. It also authorizes the New Hampshire Business Finance Authority to issue bonds to finance redevelopment within such districts, and authorizes the state to guarantee the bonds up to a maximum guarantee amount at any time of $30 million. **E.D. May 21, 2015.**

Vote to Seal Non-Public Minutes Must Be Taken in Public. **Chapter 49 (HB 108)** requires that any vote by a public body to seal the minutes of a non-public session be taken in public session. **E.D. January 1, 2016.**

Police Chief Contract for Definite Term. **Chapter 59 (HB 155)** authorizes the selectmen, in appointing a police chief, to enter into a contract with the police chief stating that the chief's authority will cease on the date specified in the contract, regardless of whether a successor has been appointed. **E.D. August 1, 2015.**

Commission to Study Pawnbrokers, Junk Dealers. **Chapter 72 (HB 510)** establishes a commission to study the regulation of pawnbrokers, secondhand dealers, and junk or scrap metal dealers. **E.D. June 2, 2015.**

Committee to Study Use of Law Enforcement, Flaggers for Traffic Control. **Chapter 81 (SB 234)** establishes a legislative committee to study the use of law enforcement details and flaggers for traffic control for utility projects on municipally maintained roads. **E.D. June 2, 2015.**

Litigation Filed by Municipality May Be Discussed in Non-Public Session. **Chapter 105 (SB 243)** allows a public body to enter non-public session to discuss pending claims or litigation that has been threatened in writing or filed *by or against* the public body, or any subdivision thereof, or any member of the public body. Under current law, discussion in non-public session is allowed only for claims or litigation filed *against* the public body or related entities or individuals. **E.D. January 1, 2016.**

Hampton-Exeter Court Divided. **Chapter 106 (SB 249)** divides the Hampton-Exeter district division of the circuit court into two divisions—a Hampton district, temporarily located in Seabrook and comprising the towns of Hampton, Hampton Falls, North Hampton, South Hampton, and Seabrook, and an Exeter district located in Brentwood and comprising the towns of Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. **E.D. June 5, 2015**.

Commission on Historic Burial Grounds and Cemeteries. **Chapter 115 (SB 20)** creates a commission on historic burial grounds and cemeteries, to include the executive director of NHMA, or designee. The commission is to make recommendations on, among other things, preservation of burial grounds and cemeteries, establishment of a state register of burial grounds and cemeteries, protection of neighboring property owners, and notice to interested parties for proposals that affect burial grounds. The commission is to file a final report on November 1, 2018, and interim reports each year until then. **E.D. June 8, 2015**.

Energy Efficiency and Clean Energy Districts. **Chapter 121 (HB 205)** amends a number of provisions in RSA 53-F dealing with the financing provisions in energy efficiency and clean energy districts. Changes include amending the definition of eligible property to exclude residential properties containing less than five dwelling units, requiring that all funding for qualified energy improvements be made by private lenders, changing the criteria for both eligibility of property owners and qualifying improvements, and deleting the requirement for a loss reserve fund. **E.D. June 8, 2015.**

Gun License Fees for Use of Municipality. **Chapter 124 (HB 607)** amends the law regarding licenses to carry a concealed pistol or revolver to provide that the fee for the license is for the use of the town or city granting the license, rather than for the use of the "law enforcement department of the town or city." **E.D. June 8, 2015.**

Toxic Substances in the Workplace. **Chapter 141 (HB 522)** changes the information required to be included in safety data sheets (previously called "material safety data sheets") that must accompany any toxic substance that is obtained, purchased, manufactured, formulated, transported, or distributed within the state and that must be kept on file by any employer whose employees handle, use, or are otherwise exposed to toxic substances. **E.D. January 1, 2016.**

Liability Protection for Out-of-State Emergency Responders. **Chapter 170 (HB 415)** provides that when a police officer, firefighter, or other emergency services worker from an out-of-state entity responds to an emergency in New Hampshire, the out-of-state entity and its employees and volunteers are subject to the same liability limitations that a New Hampshire entity, police officer, firefighter, or emergency services worker would enjoy under New Hampshire law. **E.D. June 26, 2015. NHMA POLICY.**

Committee to Study Government Immunity. **Chapter 175 (SB 41)** establishes a legislative committee to study recent state supreme court decisions regarding negligence and intentional torts by governmental entities, the lack of statutes of limitations for enforcement actions by governmental entities, and the denial of equitable or declaratory relief to challenge governmental actions, with a goal of making recommendations for legislation that strikes a proper balance for government to be held accountable in the courts. **E.D. June 26, 2015.**

Committee to Study Budget Adoption in SB 2 Towns. **Chapter 182 (SB 242)** establishes a committee to study the methods of adopting a budget and of voting on the budget and budget amendments in towns that have adopted the official ballot referendum form of town meeting. **E.D. June 26, 2015.**

Good Samaritan Law Protects Engineers and Architects. **Chapter 191 (HB 292)** provides immunity from civil liability for any engineer or architect who provides professional advice or assistance, without compensation, when acting under the direction of the state Division of Homeland Security, the state fire marshal, or a town or city emergency management director who is managing a disaster or other life-threatening emergency. **E.D. July 6, 2015.**

Committee to Study Short-Term Rentals by Homeowners. **Chapter 197 (HB 531)** establishes a committee to study short-term rentals by homeowners and owners of residential properties and evaluate the effect this type of rental has on the traditional lodging market. **E.D. July 6, 2015.**

Sale and Possession of Synthetic Drugs Prohibited. **Chapter 204 (SB 106)** prohibits the sale or possession of synthetic drugs in the state. **E.D. July 6, 2015.**

Special Assessment Districts. **Chapter 240 (HB 486)** authorizes cities and towns to establish special assessment districts to provide public facilities and services. Establishment of a special assessment district must be initiated by a petition signed by the owners of at least 50 percent of the lots within the proposed district, representing at least 65 percent of the assessed valuation within the district, and must be approved by the governing body. Public facilities and services in the district would be paid for from budget appropriations funded by charges or assessments on properties within the district, based on proportionate shares determined by the governing body. **E.D. September 11, 2015.** See also section XII.

Felonies First Project. **Chapter 249 (SB 124)** makes numerous changes in criminal procedure laws to require that all felony complaints, and misdemeanors and violation-level charges related to those complaints, be filed exclusively in the superior court. Application of the new law will be phased in on a county-by-county basis, beginning with Cheshire and Strafford Counties on January 1, 2016, and Belknap County on July 1, 2016, with application in the remaining counties to be determined by the Supreme Court. **E.D. January 1, 2016.**

Committee to Study Uber and Taxi Services. **Chapter 257 (SB 254)** establishes a committee to study "the adequacy of services provided by Uber [Technologies Inc.] and existing taxi services, including safety to the public, [and] current taxi regulations in cities and towns in New Hampshire." The study is to include consideration of whether such businesses are over- or under-regulated, whether they use appropriate safeguards, whether regulations and oversight should be established by the state, and how other states and municipalities are addressing the issue. **E.D. July 13, 2015.**

IV. PLANNING AND ZONING

Committee to Study Low-Impact Housing Development Standards. **Chapter 3 (HB 268)** establishes a committee to study the adoption of low-impact housing development standards by the Department of Environmental Services. **E.D. April 27, 2015.**

Definition of Phased Development. **Chapter 31 (SB 143)** establishes a definition of "phased development" as used in the innovative land use control statute, RSA 674:21. **E.D. July 6, 2015.**

Applicant May Ask Planning Board to Use Different Consultant. **Chapter 126 (SB 98)** allows an applicant for subdivision, site plan, or other review by

a planning board to ask the board to use a different third-party consultant than the board would otherwise use to review the application. The board must use "reasonable discretion" in deciding whether the request is warranted, but the ultimate decision is left to the board. If the request is granted, the 65-day period for acting on the application is extended by 45 days. **E.D. August 8, 2015.**

Mining Activities Subject to Local Zoning, Site Plan Review. **Chapter 162 (HB 233)** clarifies that mining activities regulated by the state under RSA 12-E are also subject to local zoning ordinances and site plan regulations. It also allows the mining permit pre-application process at the state level to be open to public input at the request of the applicant. **E.D. August 25, 2015. NHMA POLICY.**

Exempt Mining Activities Subject to Local Regulation. **Chapter 193 (HB 451)** clarifies that mining activities that are exempt from state regulation are subject to local ordinances and to local site plan review. **E.D. September 4, 2015. NHMA POLICY.**

Protection for Commercial and Recreational Fishing Operations. **Chapter 236 (HB 464)** provides that no commercial or recreational fishing operation may be declared a public or private nuisance solely because of a change in ownership or a change in the character of the property in or around the locality of the operation. It also prohibits any local legislative body from adopting an ordinance that declares a commercial or recreational fishing operation a nuisance merely because it is a fishing operation, or any zoning ordinance that unreasonably burdens or forces the closure of a commercial or recreational fishing operation, including one conducted as a home occupation. It does not prohibit a municipality from regulating fishing operations generally, nor does it authorize a fishing operation to expand if the expansion would violate local ordinances or create a nuisance. **E.D. September 11, 2015.**

V. ENVIRONMENTAL REGULATION AND PROTECTION; SOLID/ HAZARDOUS WASTE

Committee to Study Low-Impact Housing Development Standards. **Chapter 3 (HB 268)** establishes a committee to study the adoption of low-impact housing development standards by the Department of Environmental Services. **E.D. April 27, 2015.**

Membership Changes to Wetlands and Water Councils. **Chapter 67 (HB 306)** removes the requirement that the municipal official appointed to the Wetlands Council be an elected official, but adds a limitation that the appointee may not be a member of a conservation commission, and removes the requirement that NHMA nominate three persons for the single position. The law also makes other changes to the membership on both the Wetlands Council and the Water Council. **E.D. August 1, 2015.**

Commission to Develop State Conservation Plan. **Chapter 174 (SB 38)** establishes a commission to develop a long-term state conservation plan. The commission's final report, which is due on or before September 15, 2016, is to identify specific natural resource protection priorities requiring further state investment over the next five years, a process for reviewing and revising priorities on a periodic basis, and a strategy for collaboration and funding among governmental and private partners to achieve the commission's stated conservation goals. **E.D. June 16, 2015.**

VI. PUBLIC SAFETY; POLICE; FIRE; BUILDING/HEALTH INSPECTION

Police Chief Contract for Definite Term. **Chapter 59 (HB 155)** authorizes the selectmen, in appointing a police chief, to enter into a contract with the police chief stating that the chief's authority will cease on the date specified in the contract, regardless of whether a successor has been appointed. **E.D. August 1, 2015.**

Seasonal Speed Limits on Roads with Heavy Pedestrian/Bicycle Traffic. **Chapter 80 (SB 230)** authorizes the Commissioner of Transportation, upon petition by the governing body of a municipality, to recommend a seasonal decrease in the posted prima facie speed limit on any part of the state highway system that is seasonally congested by pedestrian and bicycle traffic. The speed limit may not be reduced below 20 miles per hour, and there may be only one seasonal speed limit, with a maximum duration of four months, in any 12-month period. The municipality must bear the cost of signage, but the signage must be approved by the Department of Transportation. **E.D. August 1, 2015.**

Committee to Study Use of Law Enforcement, Flaggers for Traffic Control. **Chapter 81 (SB 234)** establishes a legislative committee to study the use of law enforcement details and flaggers for traffic control for utility projects on municipally maintained roads. **E.D. June 2, 2015.**

Municipal Exception to Restrictions on Boating. **Chapter 86 (HB 254)** exempts municipal employees engaged in emergency rescue operations from restrictions on boating applicable to specified public waters. **E.D. January 1, 2016.**

Notice to Fire Department for Military Celebrations and Re-Enactments. **Chapter 94 (HB 492)** requires notice to the local fire department prior to conducting a military celebration, funeral, military re-enactment, or certain other events involving the discharge of firearms in the compact part of a city or town. Previous law required notice only to the police department. The new law also requires that such events use blank ammunition, and that military re-enactors comply with the requirements of the state fire code. **E.D. August 4, 2015.**

Hampton-Exeter Court Divided. **Chapter 106 (SB 249)** divides the Hampton-Exeter district division of the circuit court into two divisions—a Hampton district, temporarily located in Seabrook and comprising the towns of Hampton, Hampton Falls, North Hampton, South Hampton, and Seabrook, and an Exeter district located in Brentwood and comprising the towns of Exeter, Newmarket, Stratham, Newfields, Fremont, East Kingston, Kensington, Epping, and Brentwood. **E.D. June 5, 2015.**

Gun License Fees for Use of Municipality. **Chapter 124 (HB 607)** amends the law regarding licenses to carry a concealed pistol or revolver to provide that the fee for the license is for the use of the town or city granting the license, rather than for the use of the "law enforcement department of the town or city." **E.D. June 8, 2015.**

Blue Lights on Emergency Vehicles. **Chapter 130 (HB 130)** authorizes the use of blue lights on emergency response vehicles owned or leased by a local or federal fire department, forestry department, or emergency medical department, or emergency response vehicles owned or leased by a private ambulance service that contracts with a municipality or village district. Blue lights on emergency response vehicles other than police vehicles are limited to a single rear-facing light on each vehicle. **E.D. June 12, 2015. NHMA POLICY.**

Use of Police Personnel Files and the Laurie List. **Chapter 150 (SB 72)** establishes a commission to study the use of police personnel files as they relate to the Laurie List, including the appropriate procedure and criteria for being placed on or removed from the Laurie List. (The Laurie List is a list maintained by the Attorney General's office and each county attorney of law enforcement officers whose credibility may be called into question if they testify in a criminal trial.) **E.D. June 12, 2015.**

Liability Protection for Out-of-State Emergency Responders. **Chapter 170 (HB 415)** provides that when a police officer, firefighter, or other emergency services worker from an out-of-state entity responds to an emergency in New Hampshire, the out-of-state entity and its employees and volunteers are subject to the same liability limitations that a New Hampshire entity, police officer, firefighter, or emergency services worker would enjoy under New Hampshire law. **E.D. June 26, 2015. NHMA POLICY.**

Radio Interoperability Committee and Plan. **Chapter 176 (SB 46)** establishes a statewide radio interoperability committee, which is charged with developing a strategic statewide interoperable communications plan. **E.D. June 26, 2015.**

Sale and Possession of Synthetic Drugs Prohibited. **Chapter 204 (SB 106)** prohibits the sale or possession of synthetic drugs in the state. **E.D. July 6, 2015.**

Committee to Study Purchase of Military Vehicles. **Chapter 232 (HB 407)** establishes a committee to study "the classifications of military vehicles and equipment and determine which classifications the state and its political subdivision may purchase or continue to own." **E.D. July 13, 2015.**

Felonies First Project. **Chapter 249 (SB 124)** makes numerous changes in criminal procedure laws to require that all felony complaints, and misdemeanors and violation-level charges related to those complaints, be filed exclusively in the superior court. Application of the new law will be phased in on a county-by-county basis, beginning with Cheshire and Strafford Counties on January 1, 2016, and Belknap County on July 1, 2016, with application in the remaining counties to be determined by the Supreme Court. **E.D. January 1, 2016.**

Lead Poisoning Commission. **Chapter 250 (SB 135)** among other things, establishes the Childhood Lead Poisoning Prevention and Screening Commission, which is charged with assessing and recommending measures for preventing childhood lead poisoning and improving screening rates among New Hampshire children. The commission will include, among many others, two municipal health officials, one appointed by NHMA and one by the governor, and a representative of the New Hampshire Building Officials Association. One of the commission's tasks is to "review and assess effective and practicable means by which municipal and local building officials may help ensure contractors and property owners are informed about lead-safe renovation, repair, and painting practices, including the existing federal Renovation, Repair and Painting Program" **E.D. September 11, 2015.**

VII. PUBLIC WORKS; WATER & SEWER; ROADS AND HIGHWAYS; AIRPORTS; RAILS

Committee to Study Funding of State Aid Grant Program. **Chapter 15 (HB 511)** establishes a committee to study the funding of the state aid program for eligible and qualified environmental water and wastewater projects. The committee is to report its findings and recommendations for legislation by November 1, 2015. **E.D. May 5, 2015.**

New Month for Inspection of Municipal Vehicles. **Chapter 46 (SB 231)** authorizes the Division of Motor Vehicles to make a one-time change to the inspection schedule for municipal fleet vehicles. Previously, municipal vehicles were to be inspected by March; the intent is to change this to September. **E.D. May 18, 2015.**

Testing of Backflow Prevention Devices. **Chapter 50 (HB 109)** changes the testing requirements for backflow prevention devices installed at connections to a public water system. Under the new law, a residential property containing a non-testable device does not require annual or semi-annual testing. However, it may still require testing if the property has an irrigation system, private well connection, or other feature that may cause a public health risk. **E.D. August 1, 2015.**

Committee to Study Use of Motorized Scooters on Roadways and Sidewalks. **Chapter 53 (HB 134)** establishes a committee to study the use of motorized scooters and power chairs on roadways and sidewalks. **E.D. June 2, 2015**.

Sap Trucks Excluded from State Highway Weight Limits. **Chapter 61 (HB 178)** allows the Department of Transportation to exclude trucks carrying sap for maple syrup production from seasonal weight limit regulations on class I, II, and III highways. **E.D. January 1, 2016.**

Seasonal Speed Limits on Roads with Heavy Pedestrian/Bicycle Traffic. **Chapter 80 (SB 230)** authorizes the Commissioner of Transportation, upon petition by the governing body of a municipality, to rec-

ommend a seasonal decrease in the posted prima facie speed limit on any part of the state highway system that is seasonally congested by pedestrian and bicycle traffic. The speed limit may not be reduced below 20 miles per hour, and there may be only one seasonal speed limit, with a maximum duration of four months, in any 12-month period. The municipality must bear the cost of signage, but the signage must be approved by the Department of Transportation. **E.D. August 1, 2015.**

Removal of Hazardous Trees Within Right-of-Way. **Chapter 89 (HB 362)** allows the governing body of a municipality (with respect to municipal roads) or the Commissioner of Transportation (with respect to state roads) to declare a tree within the limits of a right-of-way a public nuisance and have it removed, after notice to the landowner, if it poses a "danger to the traveling public, spread of tree disease, or the reliability of [utility] equipment." Previous law required a finding of "unreasonable danger." The public nuisance declaration and landowner notice are not required if delay would pose an imminent threat to safety or property, "including electric transmission and distribution lines." **E.D. August 4, 2015.**

Committee to Study Issues Regarding Parking For Those with Walking Disabilities. **Chapter 155 (SB 171)** establishes a committee to study issues concerning parking for those with walking disabilities. **E.D. June 12, 2015**

Relative to the Membership of the New Hampshire Rail Transit Authority. **Chapter 178 (SB 63)** removes municipal representatives from the board of directors of the Rail Transit Authority and makes other changes to the board's membership, and establishes an advisory board comprising 14 municipal representatives and other members to provide a state-wide perspective on passenger rail needs to the authority. **E.D. August 25, 2015.**

Special Assessment Districts. **Chapter 240 (HB 486)** authorizes cities and towns to establish special assessment districts to provide public facilities and services. Establishment of a special assessment district must be initiated by a petition signed by the owners of at least 50 percent of the lots within the proposed district, representing at least 65 percent of the assessed valuation within the district, and must be approved by the governing body. Public facilities and services in the district would be paid for from budget appropriations funded by charges or assessments on properties within the district, based on proportionate shares determined by the governing body. **E.D. September 11, 2015**. See also section XII.

Governing Body May Adopt Stormwater Ordinance. **Chapter 247 (SB 97)** clarifies that a municipal governing body may adopt ordinances for the maintenance and operation of a stormwater system or storm-water utility. The governing body may request the advice of the planning board in adopting such ordinances. **E.D. September 11, 2015.**

Committee to Study Uber and Taxi Services. **Chapter 257 (SB 254)** establishes a committee to study "the adequacy of services provided by Uber [Technologies Inc.] and existing taxi services, including safety to the public, [and] current taxi regulations in cities and towns in New Hampshire." The study is to include consideration of whether such businesses are over or under-regulated, whether they use appropriate safeguards, whether regulations and oversight should be established by the state, and how other states and municipalities are addressing the issue. **E.D. July 13, 2015.**

Commission to Study Revenue Alternatives to the Road Toll. **Chapter 261 (HB 460)** establishes a commission to study revenue alternatives to the road toll for electric-powered, hybrid, and fuel-efficient vehicles for funding improvements to the state's highways and bridges. The commission is to report its findings and any recommendations for legislation on or before November 1, 2015. **E.D. July 20, 2015.**

VIII. TAXES; ASSESSING AND COLLECTIONS; EXEMPTIONS; CURRENT USE

Alternative Treatment Centers Must Make PILOTs if Tax-Exempt. **Chapter 29 (SB 54)** requires an alternative treatment center for therapeutic cannabis (medical marijuana) to make payments in lieu of prop-

erty taxes if the facility is exempt from taxation under RSA 72:23. The payment must be in the amount of the taxes that would be assessed for the buildings and land if they were owned by a non-exempt owner, and is to be made at the same time and in the same manner as ad valorem property taxes. **E.D. April 1, 2015**.

Town Cannot Tax Utility's Use of Village District Road. **Chapter 83 (HB 193)** prohibits a city or town from collecting taxes for the use by a utility of roads that are maintained by a village district. Only the village district may collect taxes for such use. **E.D. August 4, 2015.**

Property Taxes Paid by Chartered Public Schools. **Chapter 266 (HB 662)** authorizes the legislative body of a municipality to adopt a provision allowing property to be assessed at less than full value when a chartered public school is renting or leasing its buildings or facilities from a taxable property owner. Assessing officials in a municipality adopting this provision must appraise the qualifying charter public school facility at no more than ten percent of its market value. **E.D. July 20, 2015.**

IX. WELFARE; EDUCATION; LIBRARIES; HUMAN SERVICES; HOUSING

Housing Finance Authority Must Disclose Terms of Grant or Loan. **Chapter 16 (HB 534)** requires the New Hampshire Housing Finance Authority to disclose to a municipality's governing body all terms and conditions associated with the municipality's acceptance of funds under a loan or grant from the Authority. The disclosure must be made in writing at least 14 days before the municipality accepts the funds. **E.D. July 4, 2015.**

X. UTILITIES

Town Cannot Tax Utility's Use of Village District Road. **Chapter 83 (HB 193)** prohibits a city or town from collecting taxes for the use by a utility of roads that are maintained by a village district. Only the village district may collect taxes for such use. **E.D. August 4, 2015.**

Removal of Hazardous Trees Within Right-of-Way. **Chapter 89 (HB 362)** allows the governing body of a municipality (with respect to municipal roads) or the Commissioner of Transportation (with respect to state roads) to declare a tree within the limits of a right-of-way a public nuisance and have it removed, after notice to the landowner, if it poses a "danger to the traveling public, spread of tree disease, or the reliability of [utility] equipment." Previous law required a finding of "unreasonable danger." The public nuisance declaration and landowner notice are not required if delay would pose an imminent threat to safety or property, "including electric transmission and distribution lines." **E.D. August 4, 2015.**

XI. EDUCATION FUNDING

Home-Schooled Students Included in Calculating Adequate Education Grants. **Chapter 251 (SB 151)** provides that, for purposes of calculating state adequate education grants to school districts, each pupil who is home-educated in compliance with state law and is enrolled in an approved public high school academic course will count as an additional 0.15 pupil for each course. The state will make grant payments for such pupils only to the extent of available appropriations. **E.D. September 11, 2015.**

XII. SPECIAL ACTS

Lot Line Adjustment for New Ipswich Cemetery. **Chapter 13 (HB 275)** authorizes the Department of Environmental Services and the selectmen of New Ipswich to enter into a lot line adjustment with respect to the Smithville Cemetery and a property owned by the state, and authorizes the selectmen to use a portion of the town's undesignated fund balance for the moving of graves and other related expenses. **E.D. May 5, 2015.**

Expenditures from Rindge Trust Fund. **Chapter 217 (SB 241)** amends the requirements for the Town of Rindge to make expenditures from the principal of a certain trust fund. The fund was established by state law in 1957 with money received from the sale of the town's municipal lighting system. Under the new law,

expenditures of principal may be made by a three-fifths majority of the votes cast at any town meeting. The prior law required that the number of votes cast be at least equal to half the number of registered voters, and further required a two-thirds majority of those voting. **E.D. July 6, 2015.**

Committee to Study Special Village District in Danbury. **Chapter 240 (HB 486)** creates a legislative committee to study the creation of a special village district in Danbury in an area where there are an insufficient number of residents to form such a district under current law, and where a property owner intends to construct municipal infrastructure improvements using the proceeds of municipal bonds issued by the district in connection with a real estate development project. **E.D. July 13, 2015**. See also sections III, VII.

Bonding Authority in the City of Dover. **Chapter 271 (HB 577)** provides specific authority to the City of Dover regarding the issuance of bonds or notes under RSA 33, RSA 33-B, or any other enabling authority. **E.D. July 27, 2015.**

Where to Obtain Copies of 2015 Laws

You should be able to contact your Representative or Senator to secure copies of new laws. There should be no charge for these copies if you request a small number.

Online. Access for no charge at:
http://gencourt.state.nh.us/bill_status/misc/chaptered_final_version.aspx

LBAO
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SCHEDULE OF STATE AID TO CITIES, TOWNS, AND SCHOOL DISTRICTS

	AID BY CATEGORY	FY 2006 Actual	FY 2007 Actual	FY 2008 Actual	FY 2009 Actual	FY 2010 Actual	FY 2011 Actual	FY 2012 Actual	FY 2013 Actual	FY 2014 Actual	FY 2015 Actual	FY 2016 Budget	FY 2017 Budget
	EDUCATION												
1	Adequate Education Aid	836,204,501	836,147,136	890,426,556	891,013,576	940,762,976	941,830,717	941,357,888	941,911,353	929,874,227	926,031,426	931,015,998	932,482,099
2	Building Aid	37,770,926	41,735,035	46,487,244	42,914,218	44,902,654	46,301,028	48,891,283	47,076,655	44,178,887	43,286,408	42,800,000	37,000,000
3	Court Ordered Placements	3,468,627	2,578,967	1,379,288	3,290,064	2,173,602	1,285,791	2,193,744	1,333,893	1,168,277	1,147,392	1,500,000	1,500,000
4	Driver Education	1,681,172	1,659,150	1,599,575	1,570,800	1,337,100	1,563,300	-	-	-	-	-	-
5	Dropout Prevention	246,032	297,176	956,918	1,730,024	1,004,666	2,122,110	486,860	711,635	373,782	820,126	600,000	600,000
6	Kindergarten Aid[1]	567,600	750,000	850,800	957,600	2,661,675	2,842,800	1,707,750	1,776,750	-	-	-	-
7	Kindergarten Construction Aid [2]	208,496	2,402,060	1,131,221	404,402	3,261,884	2,741,088	3,038,661	798,100	-	841,000	-	-
8	Local Education Improvement	90,268	427,535	366,419	626,926	66,143	625,396	23,950	-	-	-	-	-
9	Reading Recovery [3]	341,780	342,035	318,306	459,198	(33,493)	-	-	-	-	-	-	-
10	Retirement Normal Contribution - Teachers	-	18,588,116	30,196,769	30,811,480	32,537,542	27,809,968	2,198,706	-	-	-	-	-
11	School Breakfast	-	85,890	87,967	98,360	120,448	113,808	117,845	105,289	122,053	102,532	184,000	184,000
12	School Lunch	832,003	832,003	832,003	832,003	831,238	832,003	832,003	832,003	832,003	832,003	832,003	832,003
13	Catastrophic Aid (Special Education)	28,355,251	30,442,213	32,012,334	32,528,169	30,091,336	23,750,920	21,613,130	21,633,843	22,552,381	21,623,196	22,400,000	22,400,000
14	Tuition & Transportation	5,159,555	5,393,771	6,552,172	7,228,712	7,419,843	6,951,048	6,900,000	6,900,000	7,422,619	7,027,000	7,400,000	7,400,000
	Education Total	914,926,211	941,681,087	1,013,197,572	1,014,465,532	1,067,137,614	1,058,769,977	1,029,361,820	1,023,079,521	1,006,524,229	1,001,711,083	1,006,732,001	1,002,398,102
	ENVIRONMENTAL												
15	Flood Control[4]	729,712	729,712	912,884	912,884	811,515	811,515	221,952	221,952	787,898	1,330,570	825,000	825,000
16	Landfill Closure Grants	2,067,751	2,030,802	1,944,036	1,287,790	981,070	894,703	927,658	899,812	1,080,206	886,850	792,116	776,245
17	Public Water System Grants	1,484,582	1,741,982	1,494,664	1,281,908	1,101,762	1,149,844	1,184,996	1,131,618	1,170,678	1,073,438	903,592	771,750
18	State Aid Grants - Pollution Control	11,826,356	12,195,029	10,820,000	9,003,767	6,463,893	5,902,524	5,199,986	3,327,666	6,519,872	6,610,139	5,922,493	5,705,957
19	Water Supply Land Protection Grants	577,301	373,750	1,398,942	571,655	-	-	-	-	-	-	-	-
	Environmental Total	16,685,702	17,071,275	16,570,526	13,058,004	9,358,240	8,758,586	7,534,592	5,581,048	9,558,654	9,900,997	8,443,201	8,078,952
	OTHER GEN. FUNDS												
20	Meals & Rooms Distribution	47,104,777	50,903,052	55,513,020	58,805,057	58,805,057	58,805,057	58,805,057	58,805,057	58,805,057	63,805,057	63,805,057	68,805,057
21	Railroad Tax [5]	127,218	46,520	101,460	145,903	98,006	58,379	36,671	36,671	35,822	60,037	60,037	60,037
22	State Revenue Sharing	25,216,057	25,216,054	25,216,054	25,216,054	-	-	-	-	-	-	-	-
23	Retirement Normal Contribution [6]	32,917,007	35,091,224	50,229,497	51,564,947	51,522,121	44,269,159	3,500,000	-	-	-	-	-
	less: Teacher Normal Contribution	-	18,588,116	30,196,769	30,811,480	32,537,542	27,809,967	2,198,706	-	-	-	-	-
	Net Police & Fire Normal Contribution	-	16,503,108	20,032,728	20,753,467	18,984,579	16,459,191	1,301,294	-	-	-	-	-
	Other General Funds Total	105,365,059	92,668,734	100,863,262	104,920,481	77,887,642	75,322,627	60,143,022	58,841,728	58,840,879	63,865,094	63,865,094	68,865,094
	HIGHWAY FUNDS												
24	Block Grants	28,819,381	28,456,617	29,600,000	30,512,000	29,665,000	34,897,125	34,538,280	29,918,270	30,233,035	30,743,994	35,389,250	34,331,094
25	State Highway Construction Aid[7]	1,004,324	706,985	787,746	2,738,625	1,699,338	2,098,821	2,663,100	2,140,210	1,298,657	2,005,862	1,681,400	1,681,400
26	Municipal Bridge Aid[8]	4,040,676	3,890,827	12,601,522	10,317,139	12,861,369	12,335,804	5,153,521	7,428,375	5,637,087	10,361,515	6,800,000	6,800,000
	GRAND TOTAL	**1,065,796,353**	**1,079,877,713**	**1,160,231,360**	**1,162,956,017**	**1,184,048,496**	**1,177,748,315**	**1,131,577,714**	**1,117,420,567**	**1,105,156,797**	**1,106,221,168**	**1,114,429,546**	**1,113,673,242**

NOTES:
1. Beginning in FY 2014, kindergarten aid is now included as part of adequate education aid.
2. Kindergarten Construction Aid in FY 2012 includes $888,395 to pay for temporary kindergarten classrooms as permanent classrooms are built and appropriates $3,700,000 in bonds for the biennium ending June 30, 2013 for kindergarten construction. $841,000 was appropriated in FY 2014 but not spent. This amount does not lapse and is expected to be spent in FY 2015.
3. Negative amount is result of three school districts returning unused portions of their reading recovery funds.
4. The amount distributed in FY 2015 includes a dsitribution of $542,672 pursuant to Chapter 300, Laws fo 2014 to compensate communities for FY 2012.
5. Amounts for FY 2016 and FY 2017 are estimated based on FY 2015 actual expenditure.
6. Specific amounts distributed to school districts and municipalities are currently available for FY 2007 through FY 2012 only. For FY 2006, the teacher contribution is not distinguished from the police & fire contribution.
7. State aid construction includes $3.6 million that was bonded for FY 2008 and FY 2009.
8. Beginning in FY 2015, bridge aid includes revenue resulting from the increase in the road toll ($954,867 in FY 2015).

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NEW HAMPSHIRE MUNICIPAL ASSOCIATION

The New Hampshire Municipal Association (NHMA) provides legislative advocacy, a legal advice hotline, and training programs for member municipalities. Originally formed by local officials in 1941 to represent municipal policy concerns before the state legislature, NHMA has more than 70 years of continuous service to state's municipalities. As the comprehensive service and action arm of local governments throughout New Hampshire, NHMA responds to thousands of legal inquires from members every year, and tracks hundreds of bills every legislative session, actively working to advance member-adopted policies.

NHMA also provides significant training and educational opportunities for local officials and employees from member municipalities, including the spring Local Officials Workshop series, the Welfare Administrators Workshop, and the fall Budget and Finance Workshops. In recent years NHMA has added a Right-to-Know Workshop to serve members better. Webinars provide an opportunity for municipal staff to obtain NHMA training with minimal time away from work and without travel expenses. *Town and City* magazine provides timely and comprehensive information to support the work of local government. We know local government! Learn more at www.nhmunicipal.org.

OUR MISSION

The New Hampshire Municipal Association is a non-profit, non-partisan association working to strengthen New Hampshire cities and towns and their ability to serve the public as a member-funded, member-governed and member-driven association since 1941. We serve as a resource for information, education and legal services. NHMA is a strong, clear voice advocating for New Hampshire municipal interests.

NHMA
NEW HAMPSHIRE MUNICIPAL ASSOCIATION
EST. 1941

New Hampshire Municipal Association
25 Triangle Park Drive • Concord, NH 03301
Tel: 603.224.7447 • Fax: 603.415.3090 • NH Toll Free: 800.852.3358

www.nhmunicipal.org

THE SERVICE AND ACTION ARM OF NH MUNICIPALITIES