

# LEGISLATIVE BULLETIN

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## Modest Gains

After the significant budget successes and the fourteen NHMA policies enacted in 2013, this year's legislative session was predictably less exciting. In a non-budget year, there are fewer peaks and valleys: fewer opportunities for both major victories and discouraging setbacks.

This year was more a year of modest gains for municipalities, with a number of small changes that will help local budgets and make local government a bit more effective and efficient. At the top of the list was the four-cent-per-gallon increase in the state's road toll (an *NHMA policy*), which will provide an additional \$4 million per year in highway block grant funding (beginning July 1, 2015) and will double the annual amount available for municipal bridge aid. Although this is far less than the increase that passed the House but died in the Senate in 2013, and still not enough to address state and local highway needs, it is a small step in the right direction.

The legislature also provided FEMA grant matches in the amount of almost \$5 million for past disaster relief and over \$500,000 in reimbursement to municipalities in flood control compacts—not huge sums, but not bad for a non-budget year! Three other *NHMA policy bills* were enacted: one that amends the process for adopting, revising, and amending municipal charters, one that allows for earlier processing of absentee ballots on election day, and one that will facilitate earlier setting of tax rates by the Department of Revenue Administration. A number of other new laws will help municipalities in small ways—from relieving assessors of the duty to compile a list of dog owners to loosening the schedule for hearings on zoning amendments in SB 2 towns.

Meanwhile, there was a slight uptick in the number of bills that could have created problems for municipalities. With one exception, all of them (we think!) were defeated. The one setback was enactment of a new notice requirement for planning board hearings on proposed zoning amendments. As a concession to strongly expressed municipal concerns, the new law will apply in limited circumstances and will, we hope, be manageable.

**Modest Gains** - continued

Among the more significant items that NHMA helped defeat were an expensive new pension mandate, burdensome revisions to the Right-to-Know Law, a requirement that all local building officials be certified, and a new definition of “agritourism” that would have thwarted local zoning authority.

As always, local officials played a key role in our successes this year. We cannot emphasize enough how important it is for legislators to hear from you. In almost all cases, they want to hear from local officials on bills that affect municipalities, and they appreciate your input. Thank you very much for your efforts. We also thank (and encourage local officials to do the same) the legislators who worked hard to address the concerns of local governments, sometimes under difficult or even hostile circumstances. Finally, we thank the small but amazingly dedicated staff at NHMA for all they do to support our legislative efforts, and who see their work as a mission, not just a job.

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



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

***Changed Dates for Inspector of Election Appointments.*** [Chapter 27](#) (HB 1460) changes the period during which political parties appoint inspectors of election to May 15-July 15. Previous law required that they be appointed between September 15 and October 15. The new law also changes the date on which the inspectors' terms begin to August 1 (from November 1). **Effective Date July 22, 2014.** [“Effective Date” is hereafter abbreviated “E.D.”]

***Assessors Relieved of Duty to Compile Dog List.*** [Chapter 43](#) (HB 1121) repeals the law requiring assessors to compile a list of dogs owned or kept in the municipality. **E.D. July 26, 2014.**

***Clerk May Waive Certificate When Re-Registering Vehicle.*** [Chapter 47](#) (HB 1149) allows the municipal clerk to waive the requirement that a person registering a motor vehicle present a certificate of registration to the same owner for the current or a previous registration period if the clerk has access to the electronic system of record and can verify the information for the current or previous registration period. **E.D. May 27, 2014.**

***Paper Ballots to be Used in Special Elections.*** [Chapter 65](#) (HB 1544) provides that if a special election involving a state representative district occurs in a municipality that uses electronic ballot-counting devices, the Secretary of State may issue paper ballots for the special election, and the municipality must use the paper ballots. **E.D. July 26, 2014.**

***Impersonating Disabled Person to Receive Service Animal Tags Prohibited.*** [Chapter 66](#) (HB 1568) makes it a crime to impersonate a person with a disability for the purpose of receiving service dog accommodations or accessories, including service dog tags. **E.D. January 1, 2015.**

***Procedure Following Refusal to Certify Absentee Ballot Application.*** [Chapter 74](#) (SB 275) provides that when a municipal clerk refuses to certify an absentee ballot application and instead sends registration information to the applicant because the applicant is not registered, the clerk shall stamp the words “Not Registered” on the outer envelope. **E.D. July 26, 2014.**

***Photographing Marked Ballot Prohibited.*** [Chapter 82](#) (HB 366) prohibits a voter from taking a photograph or digital image of his or her marked election ballot and distributing the image in any manner. It also requires town and ward clerks to display at each polling place a poster, prepared by the Secretary of State's office, advising voters of this and other prohibitions. **E.D. June 11, 2014.**

***Filing for Incompatible Offices Prohibited.*** [Chapter 99](#) (HB 1320) prohibits a person from filing declarations of candidacy for any two or more elected offices that are incompatible under RSA 669:7. **E.D. August 10, 2014.**

***Portable Voting Booths Permitted.*** [Chapter 105](#) (HB 1545) allows the use of portable voting booths at state and local elections and establishes dimensional requirements for the booths. **E.D. August 10, 2014.**

**Section I** - continued

***Creative Candidate Names Prohibited.*** [Chapter 112](#) (SB 274) provides that a candidate for state or federal office may not designate a name or nickname to be printed on the ballot that includes characters other than the 26-letter English alphabet, a “dash” (presumably a hyphen is intended), an apostrophe, a period, or a comma. **E.D. August 10, 2014.**

***Invalid Absentee Ballot Applications from UOCAVA Voters.*** [Chapter 113](#) (SB 276) requires that notice to a UOCAVA (Uniformed and Overseas Citizen Absentee Voter Act) voter of an invalid absentee ballot application be provided to the voter in accordance with procedures for refusing to certify applications of other absentee voters. **E.D. August 10, 2014.**

***Registration of Absentee Voters.*** [Chapter 114](#) (SB 277) clarifies the signature matching requirement for registering absentee voters. **E.D. August 10, 2014.**

***Notice of Absentee Voter Attempting to Vote in Person.*** [Chapter 116](#) (SB 280) requires the ballot clerk to notify the moderator if a voter appears at the polling place on election day to vote and the voter's name has been marked on the checklist as having voted by absentee ballot. **E.D. August 10, 2014.**

***Modified Process for Fill and Dredge Permits.*** [Chapter 124](#) (HB 1258) modifies the process for applying for a fill and dredge permit under RSA 482-A. Among other changes, the city or town clerk is no longer responsible for sending the signed application to the Department of Environmental Services. Instead, once the applicant has filed the application with the clerk and the clerk has signed it, the applicant is responsible for submitting it to the department. **E.D. June 16, 2014.**

***Challenge to Voter Identity Must State Reason.*** [Chapter 131](#) (SB 206) provides that when a challenge is issued to a form of voter identification approved by an election official, or to personal verification of a voter's identity by an election official, the person issuing the challenge must identify the reason for the objection in writing and must state the specific source of the information or personal knowledge upon which the challenge is based. **E.D. August 15, 2014.**

***Recovering Cost of Service for Unlicensed Dog.*** [Chapter 178](#) (HB 1261) increases to \$7 (from \$5) the amount a municipality may recover for the cost of serving a civil forfeiture on the owner of an unlicensed dog. **E.D. July 1, 2014.**

***Changed Deadlines, Procedures for SB 2 Towns.*** [Chapter 190](#) (SB 236) makes several changes to deadlines or procedures for official ballot referendum (SB 2) towns: (1) It extends the deadline for the budget committee (if the town has one) to deliver its budget to the selectmen to the Thursday before the last Monday in January (or February, or March, if the town has an April or May town meeting). (2) It allows the selectmen (and the budget committee, if there is one) to vote on whether to recommend the operating budget warrant article if the article is amended at the deliberative session; the recommendation(s) would then appear on the ballot for the second session. (3) It sets an earlier deadline for submitting a petitioned warrant article if the article proposes a bond. **E.D. September 9, 2014. See also section XI.**

## Section I - continued

***Alternative Method for Same-Day Registrant to Prove Qualifications.*** [Chapter 260](#) (HB 466) allows a voter who is registering to vote at the polling place on the date of a state election to prove his or her qualifications by swearing to a statement on the voter registration form. **E.D. July 28, 2014.**

***Adopting, Revising, and Amending Municipal Charters.*** [Chapter 292](#) (HB 422) makes numerous changes to the process for adopting or changing a city or town charter. Among other things, it (1) reduces the number of signatures required to place a charter question on the ballot in a town that has not already adopted a charter; (2) eliminates the need for a petitioners' committee to place a question about electing a charter commission on the ballot; (3) allows a charter commission to continue for a second year if it does not complete its work in the first year; (4) clarifies the difference between a "revision" and an "amendment"; (5) allows a charter revision commission to propose charter amendments if it determines that a revision is not needed; and (6) increases the majority required to approve a new charter or a charter revision to 60 percent. The new law will apply to any charter process that begins after the effective date. **E.D. September 30, 2014. NHMA POLICY.**

***Processing Absentee Ballots.*** [Chapter 319](#) (SB 271) allows the moderator at state or local elections to begin processing absentee ballots two hours after the polls open, rather than waiting until 1:00 p.m., as the previous law required, so long as the moderator posts notice, at least 24 hours before the polls open, of the time processing will begin. The notice must be posted at the polling place and at one other location. The moderator also must announce the time at which processing will begin when the polls open. The law also requires that all voter challenge affidavits be retained for 22 months after the election, and makes various other minor changes to the election laws. **E.D. August 1, 2014, for processing absentee ballots; September 30, 2014, for retention of challenge affidavits; various other dates for other changes. NHMA POLICY.**

## II. INTERGOVERNMENTAL RELATIONS; RETIREMENT; STATE BUDGET

***Road Toll Increase.*** [Chapter 17](#) (SB 367) increases the road toll by 4.2 cents, from 18 cents to 22.2 cents, effective July 1, 2014. The additional \$33 million annually that is estimated to be raised will increase funding for: highway block grants to municipalities by \$4 million per year starting in state fiscal year 2016 (which begins July 1, 2015); municipal bridge aid; the state highway betterment program (resurfacing and reconstructing secondary roads); and the completion of the expansion of I-93 from the Massachusetts border to Manchester. The bill also creates a legislative committee to study the effectiveness and efficiency of the Department of Transportation and requires issuance of a report on recommended legislation by December 1, 2014. Finally, the bill eliminates the toll at exit 12 on the Everett turnpike. **E.D. July 1, 2014 for the road toll increase and various dates for other provisions. NHMA POLICY.**

***Northeastern Interstate Forest Fire Protection Compact; Exception to Limit on Part-Time Work by NHRS Retirees.*** [Chapter 45](#) (HB 1130) provides that Article IX of the Northeastern Interstate Forest Fire Protection Compact (NIFFPC), relative to mutual aid in combating, controlling, or preventing forest fires, shall be operative as between any state that is a party to the compact and any other state that is a party to a regional forest fire protection compact in another region, if the legislature of the other state has given its assent to the mutual aid provisions of the NIFFPC.

**Section II** - continued

The new law also creates an exception to the 32-hour per week limit on part-time employment of retired members of the New Hampshire Retirement System. The exception applies to a retired member who exceeds the 32-hour limit while providing assistance during an emergency declared by the Governor or while working under the director of the Division of Forests and Lands during woodland fire control. **E.D. July 26, 2014.**

***Terminating NHRS Benefits for Call, Substitute and Volunteer Firefighters.*** [Chapter 48](#) (HB 1152) repeals the requirements for the New Hampshire Retirement System to administer benefits to eligible call, substitute and volunteer firefighters since more extensive benefits for such firefighters injured or killed in the line of duty are now provided under RSA 281-A or RSA 21-I:29-a. The bill also provides for the refunding of remaining funds from that program after completion of payments to the existing two beneficiaries. **E.D. July 1, 2014.**

***Manchester Employees' Retirement System.*** [Chapter 108](#) (SB 225) amends the definition of "spouse" for purposes of the Manchester employees' contributory retirement system and changes the language of the eligibility requirement from a "minimum of 180 days" to a "contract year" for school district employees. **E.D. June 11, 2014.**

***Technical Correction to Meals and Rooms Tax Distribution.*** [Chapter 109](#) (SB 265) amends RSA 78-A:26, II regarding the disposition of meals and rooms tax revenues to municipalities by repealing obsolete language and correcting a reference to subparagraph 1(c) instead of 1(b). **E.D. June 11, 2014.**

***Credit Card Affinity Program.*** [Chapter 142](#) (SB 339) requires the commissioner of the Department of Administrative Services to determine the feasibility of establishing a credit card affinity program from which the proceeds will be used to reduce the New Hampshire Retirement System's (NHRS) unfunded liability. The feasibility review will include a determination of participation from New Hampshire civic organizations and associations, and state and local governmental agencies, including NHRS, the New Hampshire Municipal Association and the New Hampshire Scholl Boards Association. **E.D. June 16, 2014.**

***NHRS Reporting Requirements.*** [Chapter 183](#) (HB 1494) makes a number of technical and administrative changes to RSA 100-A dealing with the New Hampshire Retirement System (NHRS). Employers will no longer be required to report the hours worked by, and compensation paid to, elected officials who are also NHRS retirees, such as selectmen or city councilors. The bill also allows the NHRS to assess interest if data from employers cannot be processed due to reporting errors. Finally, the bill amends the definitions of "employer", "employee" and "earnable compensation," adds new definitions for "active", "inactive" and "normal retirement age", makes other technical changes, and repeals several obsolete sections of the law. **E.D. July 1, 2014.**

***State Match for FEMA Disaster Assistance Grants.*** [Chapter 229](#) (SB 409) appropriates \$4,976,845 to the Department of Safety for the 12.5 percent state match for federal disaster assistance funds from the Federal Emergency Management Agency (FEMA). These funds are for eight declared disasters that occurred from February 2010 through July 2013, and for which local governments paid the required 25 percent FEMA match. The money is appropriated in state fiscal year 2016 for reimbursement to eligible municipalities and other governmental entities. **E.D. July 1, 2015.**

**Section II** - continued

***Road Toll on Alternative Fuels.*** [Chapter 268](#) (HB 1142) imposes a road toll on alternative fuels (other than motor fuel and electricity) such as compressed or liquefied natural gas or propane, and requires alternative fuel dealers to be licensed and to collect and remit the road toll to the Department of Safety. **E.D. January 1, 2015.**

***Refund of Road Toll Paid by Credit Card.*** [Chapter 298](#) (HB 1249) provides that if an exempt government entity has used a credit or fuel card to purchase motor fuel at a fixed retail pump that is available to the general public, and if the contract between the card issuer and the government entity provides that the government entity will not be billed for the road toll, the issuer of the credit card is entitled to a refund of the road toll from the state. **E.D. September 30, 2014.**

***Flood Control Reimbursement for State Fiscal Year 2012.*** [Chapter 300](#) (HB 1282) appropriates \$542,672 to the Department of Revenue Administration (DRA) for the purpose of reimbursing municipalities in the Merrimack River and Connecticut River flood control compacts for the Massachusetts share of the payment in lieu of taxes for state fiscal year 2012. The bill also requires the DRA to fund any shortfall in fiscal year 2015 flood control payments. **E.D. August 1, 2014.**

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

***Disclosure by Pooled Risk Program Board Members.*** [Chapter 14](#) (SB 376) requires members of the board of directors of a public pooled risk management program to comply with the requirements of RSA 15-A, relative to financial disclosures by state and county officials. **E.D. July 13, 2014.**

***Management of Trust Funds and Capital Reserve Funds, and Investment Authority of Library Trustees.*** [Chapter 32](#) (HB 297) authorizes trustees of trust funds to maintain records in electronic format and requires that annual reports be filed with the Department of Revenue Administration and the governing body of the city or town, in addition to being filed with the Attorney General. The law also allows the governing body to authorize trustees to charge brokerage and management investment fees directly against capital reserve funds, rather than budgeting separately for those fees, similar to the manner in which trust fund fees are handled. The bill changes the deadline for transferring capital reserve fund appropriations to the trustees of trust funds from June 30 to June 15 and from December 31 to December 15 in fiscal year and calendar year municipalities, respectively. Finally, the bill authorizes library trustees to invest under the "prudent investor" rule pursuant to RSA 31:25-d. **E.D. July 26, 2014.**

***Building Improvements Related to Leased Equipment Are Deemed Equipment.*** [Chapter 60](#) (HB 1245) provides that building or facility improvements related to the installation, purpose, or operation of leased equipment are deemed to constitute equipment and may be financed through lease agreements under RSA 33:7-e. **E.D. July 26, 2014.**

***Alternate Trustees of Trust Funds.*** [Chapter 70](#) (SB 216) authorizes the appointment of no more than two alternate trustees of trust funds. The alternates are to be appointed by the governing body upon recommendation by the trustees, and are to be appointed for one-year terms. **E.D. July 26, 2014.**

**Section III** - continued

***Funds Received from the Sale of Cemetery Lots.*** [Chapter 71](#) (SB 219) add a new section to RSA 289 authorizing the legislative body of the municipality to vote whether funds received from the sale of cemetery lots will be deposited in the general fund as a sale of town property or deposited with the trustees of trust funds for the maintenance of cemeteries under RSA 31:19-a. **E.D. May 27, 2014.**

***Employment of Undocumented Workers Prohibited.*** [Chapter 123](#) (HB 1168) prohibits any employer from hiring an employee without obtaining documentation showing the employee's eligibility to work in the United States. This is consistent with federal law, and the new law states that acceptable documentation includes "documents required by federal law or supporting documentation that satisfies the requirement of federal law." **E.D. August 15, 2014.**

***Changed Deadlines, Procedures for SB 2 Towns.*** [Chapter 190](#) (SB 236) makes several changes to deadlines or procedures for official ballot referendum (SB 2) towns: (1) It extends the deadline for the budget committee (if the town has one) to deliver its budget to the selectmen to the Thursday before the last Monday in January (or February, or March, if the town has an April or May town meeting). (2) It allows the selectmen (and the budget committee, if there is one) to vote on whether to recommend the operating budget warrant article if the article is amended at the deliberative session; the recommendation(s) would then appear on the ballot for the second session. (3) It sets an earlier deadline for submitting a petitioned warrant article if the article proposes a bond. **E.D. September 9, 2014. See also section XI.**

***Limitation on Collection of Biometric Data.*** [Chapter 162](#) (HB 312) prohibits municipalities and other governmental entities from collecting or acquiring biometric data about individuals, subject to certain exceptions. Biometric data is defined to include matter such as fingerprints, facial feature pattern characteristics, voice data, iris recognition data, and retinal scans. It does not prohibit collection of such data in connection with criminal investigations. **E.D. July 1, 2014.**

***Discrimination Based on Domestic Violence, Harassment, Etc.*** [Chapter 208](#) (SB 390) prohibits an employer from discriminating against a person in employment decisions because the person is a victim of domestic violence, harassment, sexual assault, or stalking. **E.D. September 9, 2014.**

***Gender Pay Equity.*** [Chapter 227](#) (SB 207) prohibits an employer from paying employees of one sex less than employees of the other sex for equal work that requires equal skill, effort, and responsibility under similar working conditions, except when the difference is based on seniority, merit, quantity or quality of production, expertise, shift differentials, or another demonstrable factor other than sex, such as education, training, or experience. It also prohibits an employer from requiring an employee to refrain from disclosing the amount of his or her wages, salary, or benefits. **E.D. January 1, 2015.**

***Hearing Threshold for Accepting and Spending Unanticipated Funds.*** [Chapter 237](#) (HB 1350) amends RSA 31:95-b, III to increase from \$5,000 to \$10,000 the threshold for requiring the governing body to hold a public hearing prior to accepting and spending unanticipated funds. **E.D. July 21, 2014.**

***Committee to Study Developing a First Responder's Critical Injury Fund.*** [Chapter 242](#) (SB 204) establishes a thirteen-member commission to study soft tissue injuries for purposes of workers' compensation and to also study the feasibility of developing a first responder's critical injury fund. The committee is to report its findings and any recommendations for legislation on or before November 1, 2014. **E.D. July 21, 2014.**

### Section III - continued

***No Retaliation for Employee's Disclosure of Compensation.*** [Chapter 250](#) (HB 1188) prohibits an employer from discharging, disciplining, or otherwise discriminating against an employee because the employee discloses the amount of his or her wages, salary, or benefits. **E.D. January 1, 2015.**

***Commissions to Study Junk Dealers, Pawnbrokers.*** [Chapter 259](#) (HB 343) establishes a commission to study the current system of regulation and reporting by junk and scrap metal dealers; it also establishes a commission to study current laws and ordinances regulating pawnbrokers and secondhand dealers. Each commission is to report its findings and recommendations for legislation by November 1, 2014. **E.D. July 28, 2014.**

***Energy Efficiency and Clean Energy Districts.*** [Chapter 294](#) (HB 532) makes a number of changes to RSA 53-F regarding energy efficiency and clean energy districts, including changes in the definitions of "municipality" and "property owner," and limitations on the amount of special assessment liens plus existing mortgages to either thirty-five percent of the assessed value of the property or \$1 million, whichever is greater. The bill expands a municipality's responsibilities for notifying and obtaining consent from existing mortgagees and lienholders, and adds criteria for when a municipal lien may be extinguished. **E.D. September 30, 2014.**

***Employer May Not Require Disclosure of Social Network Information.*** [Chapter 305](#) (HB 1407) prohibits an employer from requiring an employee or prospective employee to disclose log-in information for accessing a personal social networking account or to add the employer or anyone else to a list of contacts associated with a personal electronic mail account or social networking account. **E.D. September 30, 2014.**

## IV. PLANNING AND ZONING

***Changed Deadline for Zoning Hearings in SB 2 Towns.*** [Chapter 7](#) (HB 1124) eliminates the separate deadline in RSA 40:13 for hearings on the adoption of zoning ordinances or amendments in official ballot referendum (SB 2) towns. As a result, the deadline established for all towns in RSA 675:3 (fifth Tuesday before the date voting will occur) will apply. However, the hearings must still be held in time to allow the text of any proposed zoning ordinance or amendment to be included in the warrant, which, in an SB 2 town, must be posted by the last Monday in January (or February, or March, if the town has its meeting in April or May). **E.D. July 5, 2014. See also section XI.**

***Pleas by Mail for Land Use Violations.*** [Chapter 77](#) (SB 347) allows the plea-by-mail process under RSA 31:39-d to be used for violations of land use ordinances or regulations, but not for violations of the state building code. **E.D. January 1, 2015. See also section VI.**

***Governing Body May Approve Grading of Subdivision Streets.*** [Chapter 125](#) (HB 1371) allows a municipality in which the planning board has subdivision approval authority to transfer to the governing body the authority to approve plans showing the extent to which and the manner in which streets within subdivisions will be graded and improved. The transfer of authority must be granted by the legislative body, and in the absence of such a transfer, authority remains with the planning board. **E.D. August 15, 2014.**

**Section IV** - continued

***Delayed Effective Date for Integrated Land Development Permit Program.*** [Chapter 156](#) (SB 267) extends to July 1, 2017, the effective date for implementation of the integrated land development permit program within the Department of Environmental Services. **E.D. June 30, 2014.**

***Notice of Zoning Hearings.*** Among other things, [Chapter 161](#) (HB 1210) imposes new requirements for notice of planning board hearings on proposed zoning amendments. In addition to the existing requirement of publishing notice in a newspaper and posting notice in two public places, notice must be given by first-class mail: (1) to the owner of each affected property if an amendment would change a zoning district boundary and the change would affect 100 or fewer properties; and (2) to the owner of each property in a zoning district if an amendment would change minimum lot sizes or permitted uses in a zoning district that includes 100 or fewer properties. Further, the municipality must provide notice of all zoning amendment hearings by first-class mail or electronically to any property owner who requests it. Notices sent electronically or by mail must “describ[e], to the greatest extent practicable and in easily understood language, the proposed changes to the zoning ordinance, the areas affected, and any other information calculated to improve public understanding of the proposal.” Petitioned zoning amendments are not subject to the notice-by-mail requirements. **E.D. July 10, 2014.**

**V. ENVIRONMENTAL REGULATION AND PROTECTION; SOLID/HAZARDOUS WASTE**

***Modified Process for Fill and Dredge Permits.*** [Chapter 124](#) (HB 1258) modifies the process for applying for a fill and dredge permit under RSA 482-A. Among other changes, the city or town clerk is no longer responsible for sending the signed application to the Department of Environmental Services. Instead, once the applicant has filed the application with the clerk and the clerk has signed it, the applicant is responsible for submitting it to the department. **E.D. June 16, 2014.**

***Committee to Study Land Conservation.*** [Chapter 148](#) (SB 388) establishes a committee to study the current status of land conservation in New Hampshire and the state’s role in encouraging the voluntary protection of land in the future. The committee is to report its findings and any recommendations for legislation by November 1, 2014. **E.D. June 16, 2014.**

***Delayed Effective Date for Integrated Land Development Permit Program.*** [Chapter 156](#) (SB 267) extends to July 1, 2017, the effective date for implementation of the integrated land development permit program within the Department of Environmental Services. **E.D. June 30, 2014.**

***Groundwater Withdrawals, Water Conservation, and Backflow Prevention Devices.*** [Chapter 304](#) (HB 1383) limits to three years the amount of time the Department of Environmental Services (DES) may require a municipality to collect data relative to a seasonal river overflow surface water stream in connection with a determination of a large groundwater withdrawal’s impact on public use of groundwater; allows DES to grant an exemption from the rules for water conservation practices under RSA 485:61 if a municipality has a “water balance” (defined as the difference between system input volume and authorized metered consumption) of less than 15 percent; and modifies the requirements for installation, repair, and replacement of backflow prevention devices at connections to public water systems. **E.D. September 30, 2014.**

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

***Two Members Added to Police Standards and Training Council.*** [Chapter 38](#) (HB 1102) adds two public members to the police standards and training council. Neither public member may be a police officer, lawyer, or judge, or an immediate family member of any of the same. **E.D. July 26, 2014.**

***Northeastern Interstate Forest Fire Protection Compact; Exception to Limit on Part-Time Work by NHRS Retirees.*** [Chapter 45](#) (HB 1130) provides that Article IX of the Northeastern Interstate Forest Fire Protection Compact (NIFFPC), relative to mutual aid in combating, controlling, or preventing forest fires, shall be operative as between any state that is a party to the compact and any other state that is a party to a regional forest fire protection compact in another region, if the legislature of the other state has given its assent to the mutual aid provisions of the NIFFPC. **E.D. July 26, 2014.**

***Alzheimer's Training for Police Officers.*** [Chapter 67](#) (HB 1572) requires the Police Standards and Training Council to "provide education and training to the law enforcement community on Alzheimer's disease and other related dementia." **E.D. May 27, 2014.**

***Fine for Landlord's Failure to Designate Agent for Service of Process.*** [Chapter 77](#) (SB 347) authorizes a municipal governing body to establish a fine up to \$100 for the failure of a landlord to file a statement designating an agent for service of process under RSA 540:1-b. **E.D. January 1, 2015. See also section IV.**

***Committee to Study Information in Arrest Records.*** [Chapter 172](#) (HB 1144) creates a legislative committee to study information included in arrest records and access to information on the disposition of criminal cases. The committee is to report its findings and any recommendations for legislation by November 1, 2014. **E.D. July 11, 2014.**

***Committee to Study Establishment of a Fund to Reimburse Costs Associated with Cancer in Firefighters.*** [Chapter 182](#) (HB 1489) establishes a seven-member legislative committee to study the creation of a fund to reimburse costs associated with firefighters who have cancer. The committee is to review the impact of the 1990 superior and supreme court cases (*N.H. Municipal Trust Workers' Compensation Fund v. Flynn*) invalidating the unfunded mandate under RSA 281-A:17, II including potential funding methods to address the concerns raised by the 1990 cases. The committee is to report its findings and any recommendations for legislation by November 1, 2014. **E.D. July 11, 2014.**

***Warrant Required to Search Portable Electronic Device.*** [Chapter 184](#) (HB 1533) prohibits any governmental entity from searching for information in a portable electronic without a warrant signed by a judge and based on probable cause, or pursuant to a legally recognized exception to the warrant requirement. "Portable electronic device" is defined as any portable device that is capable of creating, receiving, accessing, or storing electronic data or communications, including a cellular telephone. **E.D. July 1, 2014.**

***Police Officer Must Provide Notice of Fatal Accident Within Seven Days.*** [Chapter 243](#) (SB 211) requires a police officer who investigates a fatal motor vehicle accident to provide written notice to the Department of Safety within seven days after the accident. This is in addition to existing reporting requirements. **E.D. September 19, 2014.**

**Section VI** - continued

***Firing Guns in Compact Areas.*** [Chapter 264](#) (HB 498) creates an exception to the prohibition on discharging a “cannon, gun, pistol, or other firearm” in the compact area of a city or town. Under the new law, the prohibition does not apply to the celebration of military events, military funerals, national holidays, or other military or veterans’ commemorations conducted by U.S. armed forces personnel; military re-enactors registered with the state; or funerals or commemorative events conducted by law enforcement or other public safety agencies. In all cases, the person responsible for organizing the event must notify the police department in advance. **E.D. July 28, 2014.**

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

***Private Funding of Sewer Construction.*** [Chapter 4](#) (SB 223) allows a city or town, if authorized by a vote of its legislative body, to enter into a contract under which a private entity pays for the design and construction of a new sewer or sewerage system or an addition or modification to an existing system, and under which the municipality uses fees and other charges received from those benefitting from the project to repay the costs to the private entity. Charges collected from persons served by the sewer project must be accounted for separately within the sewer fund, and no repayment to the private entity may be made from funds other than the separate account. The contract must state that no municipal general funds may be appropriated for the repayment obligations under the contract. **E.D. April 11, 2014.**

***Road Toll Increase.*** [Chapter 17](#) (SB 367) increases the road toll by 4.2 cents, from 18 cents to 22.2 cents, effective July 1, 2014. The additional \$33 million annually that is estimated to be raised will increase funding for: highway block grants to municipalities by \$4 million per year starting in state fiscal year 2016 (which begins July 1, 2015); municipal bridge aid; the state highway betterment program (resurfacing and reconstructing secondary roads); and the completion of the expansion of I-93 from the Massachusetts border to Manchester. The bill also creates a legislative committee to study the effectiveness and efficiency of the Department of Transportation and requires issuance of a report on recommended legislation by December 1, 2014. Finally, the bill eliminates the toll at exit 12 on the Everett turnpike. **E.D. July 1, 2014 for the road toll increase and various dates for other provisions. NHMA POLICY.**

***Municipality May Repair Bridge and Receive State Aid Later.*** [Chapter 37](#) (HB 684) allows a city or town that has applied for state bridge aid for a closed bridge to replace or rehabilitate the bridge at its own cost and receive state funding at a later date according to the state bridge aid schedule. Certain conditions apply: the bridge must be closed in accordance with Department of Transportation recommendations; the bridge must be on the schedule for bridge aid; the bridge design must be approved by DOT; bridge aid funds must be available in the year the bridge is scheduled to be replaced or rehabilitated; and the city or town must agree that it has no financial claim against the state if funds do not become available. **E.D. July 26, 2014.**

***Notice of Road Discontinuance.*** [Chapter 41](#) (HB 1109) provides that the notice given to abutters before a town vote to discontinue a road must be sent by “verified mail” (defined as “any method of mailing that is offered by the United States Postal Service or any other carrier, and which provides evidence of mailing”). In the case of a petitioned warrant article calling for discontinuance of a class VI road, the petitioners are required to bear the cost of notice. **E.D. July 26, 2014.**

**Section VII** - continued

***Governing Body May Approve Grading of Subdivision Streets.*** [Chapter 125](#) (HB 1371) allows a municipality in which the planning board has subdivision approval authority to transfer to the governing body the authority to approve plans showing the extent to which and the manner in which streets within subdivisions will be graded and improved. The transfer of authority must be granted by the legislative body, and in the absence of such a transfer, authority remains with the planning board. **E.D. August 15, 2014.**

***DOT to Maintain Red List of Bridges.*** [Chapter 126](#) (HB 1406) requires the Department of Transportation to maintain a list of structurally deficient bridges, to be known as “red-list bridges.” Separate lists will be maintained for state-owned and municipally owned bridges. The department is required to inspect state-owned bridges on the list biannually and municipally owned bridges annually. The department must notify the governing body of a municipality, on or before February 1 of each year, of any red-list bridges owned by the municipality and any state-owned red-list bridge within the municipality. **E.D. August 15, 2014.**

***Committee to Study Creation of a Flood Mitigation Fund.*** [Chapter 205](#) (SB 375) establishes a three-member legislative committee to study the creation of a flood mitigation fund for private and municipal property owners. The committee is to report its finding and any recommendations for legislation on or before November 1, 2014. **E.D. July 11, 2014.**

***Groundwater Withdrawals, Water Conservation, and Backflow Prevention Devices.*** [Chapter 304](#) (HB 1383) limits to three years the amount of time the Department of Environmental Services (DES) may require a municipality to collect data relative to a seasonal river overflow surface water stream in connection with a determination of a large groundwater withdrawal’s impact on public use of groundwater; allows DES to grant an exemption from the rules for water conservation practices under RSA 485:61 if a municipality has a “water balance” (defined as the difference between system input volume and authorized metered consumption) of less than 15 percent; and modifies the requirements for installation, repair, and replacement of backflow prevention devices at connections to public water systems. **E.D. September 30, 2014.**

***Ten Year Transportation Improvement Program.*** [Chapter 326](#) (HB 2014) adopts the “State of New Hampshire Ten Year Transportation Improvement Plan for 2015-2024,” increases the state’s federal highway grant anticipation bonding authority from \$445 million to \$490 million, and authorizes numerous improvements to the turnpike system. **E.D. August 1, 2014.**

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

***Abatement for Watering Troughs and Shade Trees.*** [Chapter 46](#) (HB 1139) repeals the authority of selectmen to abate property taxes for the maintenance of watering troughs and shade trees under RSA 76:18 and RSA 76:19, respectively. **E.D. July 26, 2014.**

***Setting of Tax Rates by the Department of Revenue Administration (DRA).*** [Chapter 76](#) (SB 300) amends RSA 21-J:35 by adding a new paragraph requiring certain state agencies to provide the DRA with estimates of state aid to municipalities and school districts by October 1 each year in order to facilitate the timely setting of tax rates by the Commissioner. The bill also changes the date from October 1 to September 15 for the DRA to report to the state treasurer the cost of administering the meals and room tax. **E.D. July 26, 2014. NHMA POLICY.**

**Section VIII** - continued

***Department of Revenue Administration (DRA) Municipal Officials Education and Training Fund.*** **Chapter 78 (SB 386)** amends RSA 21-J:24-a by adding “assessment” to the areas of training provided by the DRA to municipal officials and employees through a revolving fund, and authorizes the department to charge for “indirect” costs associated with such training. **E.D. May 27, 2014.**

***Authority to Abate Prior Year’s Taxes.*** **Chapter 175 (HB 1196)** amends several sections of RSA 76 and RSA 81 to clarify the authority of selectmen or assessors to abate taxes assessed by them or their predecessors for good cause shown. The law reverses a 2013 Board of Tax and Land Appeals decision which ruled that application by the taxpayer is a prerequisite for an abatement in all cases. **E.D. September 9, 2014.**

***ASB to Adopt Rules on Sales Chasing.*** **Chapter 232 (HB 1110)** repeals the requirement that the Assessing Standards Board (ASB) adopt standards relative to sales chasing, and instead requires the ASB to adopt administrative rules relative to the definition and practices that constitute sales chasing, along with rules on penalties for knowingly committing, or being a party to, sales chasing. **E.D. September 19, 2014.**

***Education Adequacy Estimates to DRA.*** **Chapter 247 (SB 350)** requires the Department of Education to provide adequacy aid estimates used in setting property tax rates to the department of revenue administration no later than October 1 each year. **E.D. September 19, 2014.**

***Equalized Assessment of Renewable Generation Facility Property.*** **Chapter 277 (HB 1549)** amends the statutes relative to the assessment of renewable generation facilities for equalization purposes when such facilities are subject to a voluntary payment-in-lieu-of-taxes (PILOT) agreement under RSA 72:74. The bill requires the department of revenue administration to use the PILOT payments as the basis for equalization rather than the market value of such property, similar to the manner in which other PILOT payments are equalized. **E.D. July 28, 2014.**

***Taxation of Recreational Vehicles.*** **Chapter 288 (SB 333)** provides that a recreational vehicle is exempt from property taxation if it is less than 8’6” wide, is registered as a motor vehicle, and is located at a recreational campground or camping park. The campground owner must provide local assessing officials annually (by April 1) with the name and address of each owner of a recreation vehicle at the campground and identify which vehicles meet the criteria for exemption. A campground owner is not liable for payment of any taxes imposed on an RV located at the campground unless the campground owner also owns the RV. **E.D. April 1, 2015.**

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

***Alternative Composition of Municipal Housing Board.*** **Chapter 20 (HB 1246)** allows a municipality that has adopted a housing code under RSA 48-A to establish a housing board consisting of at least five members, two of whom shall be the head of the municipal health department and the head of the municipal fire department, if those offices exist. A selectman who concurrently serves as the head of the health department may serve on the board, but must recuse himself or herself as an appointing authority and from his or her role as a selectman during any appeal process. This option is an alternative to the existing option of a board comprising at least three members, including the heads of the health department and fire department. **E.D. July 22, 2014.**

**Section IX** - continued

***Management of Trust Funds and Capital Reserve Funds, and Investment Authority of Library Trustees.*** [Chapter 32](#) (HB 297) authorizes trustees of trust funds to maintain records in electronic format and requires that annual reports be filed with the Department of Revenue Administration and the governing body of the city or town, in addition to being filed with the Attorney General. The law also allows the governing body to authorize trustees to charge brokerage and management investment fees directly against capital reserve funds, rather than budgeting separately for those fees, similar to the manner in which trust fund fees are handled. The bill changes the deadline for transferring capital reserve fund appropriations to the trustees of trust funds from June 30 to June 15 and from December 31 to December 15 in fiscal year and calendar year municipalities, respectively. Finally, the bill authorizes library trustees to invest under the “prudent investor” rule pursuant to RSA 31:25-d. **E.D. July 26, 2014.**

***Fine for Landlord’s Failure to Designate Agent for Service of Process.*** [Chapter 77](#) (SB 347) authorizes a municipal governing body to establish a fine up to \$100 for the failure of a landlord to file a statement designating an agent for service of process under RSA 540:1-b. **E.D. January 1, 2015. See also section IV.**

**X. UTILITIES**

***Changes to Site Evaluation Committee Statute.*** [Chapter 217](#) (SB 245) makes a number of changes to RSA 162-H, the statute governing the site evaluation committee, which regulates the siting of energy facilities. Among other things, the new law requires the applicant for a certificate of site and facility to hold public information sessions, both before and after filing the application, in each county where the proposed facility is to be located. Upon request of the governing body of a municipality or unincorporated place in which the proposed facility is to be located, or on the committee’s own motion, the committee may order the applicant to hold additional information sessions. **E.D. July 1, 2014.**

**XI. SPECIAL ACTS**

***Town of Rye Bond Vote Ratified.*** [Chapter 7](#) (HB 1124) ratifies the approval of a \$3 million bond for the purpose of financing acquisition of conservation easements or open space land by the Town of Rye. The bond had been approved at the March 2014 town meeting, but the required public hearing and notice of the hearing had not been held and posted in accordance with statutory requirements. **E.D. May 6, 2014.**

***Changed Insurance Requirements for Winnepesaukee River Basin Facilities.*** [Chapter 146](#) (SB 363) eliminates the requirement that the Department of Environmental Services purchase liability insurance for the pollution control facilities operated by the Winnepesaukee River Basin Program. It retains the requirement that the department purchase insurance against fire, vandalism, and malicious mischief, to be funded by the user fees, but eliminates the requirement that the insurance be purchased through the Director of Plant and Property Management after consultation with the Attorney General. **E.D. August 15, 2014.**

***Valuation of Wind Power Project in Coos County.*** [Chapter 159](#) (HB 1590) establishes \$113 million as the valuation of the Granite Reliable Power project in Coos County for the duration of the current voluntary payment-in-lieu-of-taxes agreement under RSA 72:74. **E.D. April 1, 2014.**

**Section XI** - continued

***Town of Windham Bond Procedure Ratified.*** [Chapter 190 \(SB 236\)](#) validates a public hearing and notice held in connection with the issuance of up to \$700,000 in bonds or notes under RSA 33, as approved by the Town of Windham at its March 2014 town meeting. **E.D. July 11, 2014.**

***Conveyance of Land for Bridge Construction in Concord and New Boston.*** [Chapter 233 \(HB 1145\)](#) authorizes the transfer of the state's interest in land along Sewalls Falls Road in Concord to the City of Concord for the purpose of reconstructing the Sewalls Falls Bridge, and similarly authorizes the transfer of the state's interest in land along Riverdale Road in New Boston to the Town of New Boston for the purpose of reconstructing the Riverdale Road Bridge. In each case, the state is to be paid the fair market value of the property interest as determined by the municipality's assessors, in consultation with the Office of Energy and Planning. **E.D. July 21, 2014.**

***Exemption for Southwestern Fire District Mutual Aid Property.*** [Chapter 284 \(SB 233\)](#) exempts from property taxes the property owned by the Southwestern New Hampshire District Fire Mutual Aid system in Keene when the property is used for the purpose of a fire mutual aid system under RSA 154:24-30. **E.D. July 28, 2014.**

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