

# New Hampshire Municipal Association 2017-2018 Legislative Policy Process

## Final Policy Recommendations

### General Administration and Governance

#### Action Policy Recommendations

##### **1. Funding for the Police Standards and Training Council**

**To see if NHMA will SUPPORT** the continued operation of the NH Police Academy and the high quality uniform training it provides for all law enforcement officers in the state, including municipal police officers, which aids in the delivery of quality policing services and interagency cooperation to the benefit of all citizens.

- a) **To see if NHMA will SUPPORT** the continued existence of the Police Standards and Training Council (PSTC), the compliance functions it performs, and its oversight of the operations of the NH Police Academy.
- b) **To see if NHMA will SUPPORT** continued funding at the state level for the Police Academy and the PSTC. Local law enforcement agencies produce considerable funds through fines and penalty assessment monies which accrue to the State and are used for State purposes. **To see if NHMA will OPPOSE** any increase in municipal costs for police officers to participate in the training, recognizing that municipalities now pay salary, benefits, and all employment-related costs for trainees while at the Academy, as well as provide staff and instructors at no cost to the Academy.
- c) **To see if NHMA will SUPPORT** the continued use of penalty assessment funds to support the PSTC and **OPPOSE** transferring the penalty assessment funds from PSTC to the general fund.
- d) **To see if NHMA will SUPPORT** separating PSTC operational expenses from capital expenses, and the funding of capital expenses through the State Capital Budget process.
- e) **To see if NHMA will SUPPORT** the development of a sustainable, predictable, and stable plan for funding the PSTC and the Academy at the State level which is sufficient to meet the funding needs and efficient in administration. **To see if NHMA will SUPPORT** funding to supplement the penalty assessment revenues from sources such as an insurance surcharge, an additional fee for accident reports, an increase in the state motor vehicle registration fee, provided such revenues are dedicated to the PSTC.
- f) **To see if NHMA will SUPPORT** working with the PSTC and the legislature to explore other funding sources to supplement revenues to ensure the future viability of the PSTC.

##### **2. Consultation with Counsel Expansion Under RSA 91-A**

**To see if NHMA will SUPPORT** legislation to amend RSA 91-A so that exempt consultation with legal counsel would also include discussions about written legal correspondence provided by legal counsel, without requiring the presence of counsel at the meeting.

### **3. Building Plans Under RSA Chapter 91-A**

**To see if NHMA will SUPPORT** an amendment to RSA 91-A:5, IV to specifically add building plans/construction drawings contained within a building permit file and/or building plans/construction drawings submitted as part of a building permit application as an exempt record under the statute.

## **Priority Policy Recommendations**

### **4. EMS Licensing Rules**

**To see if NHMA will SUPPORT** changes to statute or administrative rules as they apply to licensing of providers of emergency medical services, requiring directors of licensed units to report to the Commissioner of Safety the status of licensed providers within their unit who are suspended or terminated for any reason, including any and all incidents which would be cause for revocation of a provider license as detailed in the administrative rules.

### **5. Electronic Poll Books**

**To see if NHMA will SUPPORT** legislation that would enable the use of electronic poll-books for municipalities with funding coming from the HAVA funds made available to the NH Secretary of State by the United States Election Assistance Commission specifically for the purpose of improvement to the administration of federal elections in the State, as well as support legislative changes to statutes to make the use permissible under State laws.

### **6. Municipal Welfare Fraud Penalties**

**To see if NHMA will SUPPORT** amending the local welfare statutes so that the so-called “welfare fraud” statutes (RSA 167:17-a through 17-c, currently applicable only to offenses against state assistance programs) will also apply to the same types of fraud offenses when committed against a municipal assistance program operated under RSA chapter 165.

### **7. Right to Know Costs and Specificity Required**

**To see if NHMA will SUPPORT** amendments to RSA chapter 91-A allowing municipalities to recover the taxpayer costs of retrieving, reviewing and reproducing documents, including electronic documents, and clarifying the level of specificity required when requesting public records.

### **8. Official Ballot Budget Postings**

**To see if NHMA will SUPPORT** the amending of RSA 40:13 to provide for the posting of a warrant and proposed budget for the first session of the annual town meeting (deliberative session) and a final warrant and proposed budget for the second session of the annual meeting (voting day); the final warrant and proposed budget to reflect any amendments or changes approved by the first session and to be posted as required within 14 days of the close of the first session of the annual meeting

### **9. Public Notice Requirements**

**To see if NHMA will SUPPORT** legislation to amend all public notice requirements to allow the choice of electronic notification and/or newspaper print, as well as posting in public places, for official public legal notification.

## **10. Municipal Departments and MV Information**

To see if NHMA will **SUPPORT** legislation to make it clear that municipalities may obtain information about motor vehicles registered to an individual for all governmental purposes such as verifying asset levels when the individual is applying for general assistance or asset-based tax relief and in order to determine the ownership of vehicles for official purposes.

## **Standing Policy Recommendations**

### **11. Manner of Selecting Clerk in Charter Towns**

To see if NHMA will **support** legislation allowing towns that have adopted a charter under RSA chapter 49-D to determine how the town will choose its town clerk.

### **12. Sewer and Storm Ordinance Violations**

To see if NHMA will **SUPPORT** legislation which would allow municipalities to recover costs for sewer and storm water ordinance violation enforcement, to include legal expenses, investigative costs, and mitigation expenses.

### **13. Preservation of Municipal Immunity**

To see if NHMA will **OPPOSE** legislation that weakens, reduces, or diminishes the immunity of municipal, school, or county governments for damages and claims resulting from recreation facilities and activities, operation of equipment and motor vehicles, maintenance of highways and sidewalks, acts committed by employees with firearms, or any other activities related to government operations where limited liability already exists.

### **14. Welfare Lien Priority**

To see if NHMA will **SUPPORT** legislation to give liens for local welfare payments arising under RSA 165:28 a higher priority position, so that those liens fall immediately after the lien for the first mortgage.

### **15. Petition Signature Requirements**

To see if NHMA will **SUPPORT** legislation amending RSA 39:3 to require that in towns with an official ballot referendum town meeting (SB2/RSA 40:13), petitioned warrant articles must be signed by not less than 2% of registered voters, but in no case fewer than 10 voters or more than 150 voters.

### **16. Long-Term Storage of Records**

To see if NHMA will **SUPPORT** legislation modifying the requirement that municipal records retained for longer than ten years be transferred to paper, microfilm, or both.

### **17. Human Resources Record Retention**

To see if NHMA will **SUPPORT** legislation that amends the record retention requirements for successful job applications and personnel records from 50 years after termination or retirement to 20 years after termination or retirement.

## **18. Consolidated Policy on Collective Bargaining Items**

**Evergreen Clause:** To see if NHMA will **OPPOSE** legislation to enact a mandatory so-called "evergreen clause" for public employee collective bargaining agreements.

**Binding Arbitration:** To see if NHMA will **OPPOSE** mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining.

**Right to Strike:** To see if NHMA will **OPPOSE** a right to strike for public employees.

**Mandated Employee Benefits:** To see if NHMA will **OPPOSE** any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits which may increase employer costs in future years, for current or future employees.

## **19. Contracted Services and Bargaining**

To see if NHMA will **SUPPORT** legislation to give public employers greater flexibility to privatize or use contracted services.

## **20. Maintenance and Policing of State-Owned Property**

To see if NHMA will **SUPPORT** legislation to enable municipalities to recover the expenses of policing state-owned land against all illegal activity (including public consumption of alcohol and littering), including the ability to receive reimbursement/compensation from individuals engaged in the illegal activity.

## **21. Supervisor of the Checklist Sessions**

To see if NHMA will **SUPPORT** legislation to reduce to one the number of required sessions that the supervisors of the checklist must hold prior to town elections.

## **22. Municipal Recreation Programs**

To see if NHMA will **SUPPORT** the continued exemption from state child care licensing for municipal recreation department programs and also supports the exemption from state camp licensing for municipal recreation department summer programs.

## **23. Appointment of Town Clerks and Town Clerks/Tax Collectors**

To see if NHMA will **SUPPORT** legislation to allow the legislative body to authorize the governing body to appoint or elect town clerks and town clerk/tax collectors.

## **24. Warrant Article Language; Adoption by Reference**

To see if NHMA will **SUPPORT** legislation to amend RSA chapter 48-A, Housing Standards, to allow a town to adopt a proposed housing standards ordinance on the ballot by reference, as opposed to printing the entire ordinance on the warrant.

## **25. Perambulation**

To see if NHMA will **SUPPORT** legislation to eliminate the RSA 51:2 requirement to perambulate town boundaries every 7 years.

**26. Limitation on RSA 41:14-a Review**

To see if NHMA will SUPPORT amending RSA 41:14-a to exclude the requirement for planning board and conservation commission review and recommendations for the acquisition or sale of liens, tax deeds, cemetery deeds, releases or specific conveyances that are authorized by a town meeting vote.

**27. Independent Redistricting Commission**

To see if NHMA will SUPPORT the establishment of an independent redistricting commission for the appointment of representative, senatorial, executive council, and congressional districts.

**Finance and Revenue**

**Action Policy Recommendations**

**1. Collection of Delinquent Taxes on Manufactured Housing**

To see if NHMA will SUPPORT legislation to create a study commission to address municipal concerns regarding delinquent property taxes and/or municipal utility fees on manufactured housing on land of another. Such commission to include appropriate interested stakeholders.

**2. Use of RSA 83-F Utility Values**

To see if NHMA will SUPPORT changing RSA 83-F to prevent any determination of utility value by the Department of Revenue Administration from being used in any way by the utility taxpayer in any application for abatement of tax under RSA 76:16 or any appeal thereof under RSA 76:16-a or RSA 76:17.

**3. Current Use Assessment**

To see if NHMA will SUPPORT legislation authorizing the Current Use Board to establish assessment ranges that are 20% higher than other categories for those properties that do not comply with the documentation and filing requirements requested by municipalities in accordance with ASB assessment review guidelines.

**Priority Policy Recommendations**

**4. Tax Exemptions for Charitable Organizations**

To see if NHMA will SUPPORT creating a commission to study reimbursement through PILOTs for municipal services provided to exempt charitable properties, including charitable non-profit housing project under RSA 72:23-k.

**5. Meals and Rooms Tax Distribution**

To see if NHMA will SUPPORT annual funding of the meals and rooms tax distribution to municipalities in accordance with catch-up provision provided under RSA 78-A:26.

## **6. Pollution Control Exemption**

**To see if NHMA will SUPPORT** repeal of the so-called "pollution control exemption" (RSA 72:12-a) or amendment of the statute to impose a term limitation on any exemption granted.

## **7. Income Approach on Appeal**

**To see if NHMA will SUPPORT** legislation that prohibits the use of the income approach when used by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information.

## **8. Clarification of Elderly Exemption**

**To see if NHMA will SUPPORT** changes in RSA 72:39-a, 72:29, and 72:39-b to define "household income" for elderly exemption qualification consistent with the definition of "household income" used by the state in qualifying residents for the Low & Moderate Income Homeowners Property Tax Relief Program under RSA 198:56-57 and Rev 1200.

## **9. 10% Limitations**

**To see if NHMA will SUPPORT** amending RSA 32:18 to limit town meeting and/or SB 2 deliberative sessions from increasing or decreasing the total amount appropriated by no more than 10 percent of the budget committee's recommended budget.

## **10. Prorating Disabled, Deaf and Blind Exemptions**

**To see if NHMA will SUPPORT** legislation prorating the disabled, deaf and blind exemptions under RSA 72:37, 37-b, and 38-b when a person entitled to the exemption owns a fractional interest in the residence, in the same manner as is allowed for the elderly exemption under RSA 72:41.

## **11. Flood Control Payments**

**To see if NHMA will SUPPORT** legislation to fully fund flood control payments in lieu of taxes to municipalities pursuant to the Merrimack River and Connecticut River interstate flood control compacts regardless of payments from other states.

## **12. Charitable Definition and Mandated Property Tax Exemptions**

**To see if NHMA will SUPPORT** legislation that expands the definition of "charitable" in RSA 72:23-l, unless the state reimburses municipalities for the loss of revenue, and will **SUPPORT** creating a method of reimbursement to municipalities for state-owned property.

# **Standing Policy Recommendations**

## **13. Sale of Tax Deeded Property**

**To see if NHMA will SUPPORT** amending RSA 80:89 to require proof that the municipality sent the required notice of impending tax deed rather than proof that the taxpayer actually received the notice.

#### **14. Local Option Revenue Sources**

To see if NHMA will **SUPPORT** creation of enabling legislation that allows cities and towns to create local revenue sources to meet the unique needs of each community in order to help offset the overreliance on the property tax in order to help defray the cost of municipal services, infrastructure improvements and capital needs.

#### **15. Tax Rate Setting**

To see if NHMA will **SUPPORT** legislation to improve the overall efficiency and timeliness of the tax rate setting process, and will **OPPOSE** statutory changes to school districts, village districts, trustees of trust funds, utility values or information from other state agencies that may impede or delay the tax rate setting process and/or cause unnecessary borrowing due to late tax rate setting.

#### **16. All Public Real Estate Taxable if Used by Private Occupants**

To see if NHMA will **SUPPORT** legislation to clarify that taxation of a private occupant on public land is required by statute, even if an agreement or lease does not include a tax provision or the specific wording of RSA 72:23, I(b).

#### **17. Recording Fees for Elderly and Disabled Deferrals**

To see if NHMA will **SUPPORT** legislation to recoup recording fees as part of the payment process in RSA 72:38-a, IV for the elderly and disabled deferrals.

#### **18. Downshifting of State Costs and State Revenue**

To see if NHMA will **OPPOSE** legislation which will downshift state costs or state program responsibilities, either directly or indirectly, to municipalities and/or counties, resulting in increased municipal and/or county expenditures, whether in violation of Article 28-a or not, and will **OPPOSE** any reductions, deferrals and/or suspensions of state revenue to political subdivisions, such as revenue sharing, meals and rooms tax distribution, highway block grants, environmental state aid grant programs, adequate education grants, catastrophic aid, or any other state revenues.

#### **19. State Revenue Structure and State Education Funding**

To see if NHMA will **SUPPORT** asking the state to use the following principles when addressing the state's revenue structure in response to its responsibility to fund an adequate education:

- a) That revenues are sufficient to meet the state's responsibilities as defined by constitution, statute, and common law;
- b) That revenue sources are predictable, stable and sustainable and will meet the long term needs and financial realities of the state;
- c) That changes to the revenue structure are least disruptive to the long-term economic health of the state;
- d) That the revenue structure is efficient in its administration;
- e) That changes in the revenue structure are fair to people with lower to moderate incomes.

To see if NHMA will **SUPPORT** legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given.

## **20. New Hampshire Retirement System (NHRS)**

**To see if NHMA will SUPPORT** the continuing existence of a retirement system for state and local government employees that is strong, secure, solvent, fiscally healthy and sustainable, that both employees and employers can rely on to provide retirement benefits for the foreseeable future. Further, **to see if NHMA will SUPPORT** continuing to work with legislators, employees, and the NHRS to accomplish these goals.

To that end, **NHMA:**

- a) **SUPPORTS** legislation that will strengthen the health and solvency of the NHRS, ensure the long term financial sustainability of the retirement system for public employers, and consider options and alternatives that provide reasonable changes in contribution rates;
- b) **OPPOSES** any legislation that: 1) expands benefits that would result in increases to municipal employer costs; 2) assesses additional charges beyond NHRS board approved rate changes on employers; or 3) expands the eligibility of NHRS membership to positions not currently covered;
- c) **SUPPORTS** the restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan; and
- d) **SUPPORTS** the inclusion of municipal participation on any legislative study committee or commission formed to research alternative retirement system designs and the performance of a complete financial analysis of any alternative plan proposal in order to determine the full impact on employers and employees.

## **21. Utility Appraisal Method**

**To see if NHMA will OPPOSE** mandating the exclusive use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action, and will **SUPPORT** the continuing right of municipalities to use any method of appraisal upheld by the courts.

## **22. Management of Trust Funds**

**To see if NHMA will SUPPORT** amendments to RSA 292-B:2 to include funds held by a town or other municipality under RSA 31:19, RSA 202-A:23, or a fund created by a town or other municipality under RSA 31:19-a to be included in those institutional funds subject to the Uniform Prudent Management of Institutional Funds Act.

## **23. Minimum Vote Required for Bond Issues**

**To see if NHMA will OPPOSE** legislation to increase the 60% bond vote requirement for official ballot communities.



## **Infrastructure, Development, and Land Use**

### **Action Policy Recommendations**

#### **1. Site Evaluation Committee and Local Input**

**To see if NHMA will SUPPORT** legislation requiring applicants to the Site Evaluation Committee under RSA 162-H to notify and appear before the governing body of each New Hampshire municipality in which a proposed facility will be located or will have a visual or other impact, and to accept comments from the governing body and the public, and further requiring notification to each municipality of any public hearing on the application and giving each municipality and its residents the right to comment at any public hearing.

#### **2. Municipal Cooperation**

**To see if NHMA will SUPPORT** legislation clarifying that municipalities and other political subdivisions may cooperate to perform together any functions that they may perform individually, including but not limited to providing services, raising revenue, constructing and maintaining infrastructure, and engaging in economic development efforts.

#### **3. Waiver of Bond for Projects Under \$150,000**

**To see if NHMA will SUPPORT** amending RSA 447:16 to allow the governing body, in its discretion, to waive the bonding requirement for a public works contract if the contract involves an expenditure of less than \$150,000.

### **Priority Policy Recommendations**

#### **4. Restoration of Full General Revenue Funding for Municipal State Aid Grant (SAG) Programs**

**To see if NHMA will SUPPORT** legislation to restore full general revenue funding of municipal wastewater, public drinking water and landfill closure grants administered by the NH Department of Environmental Services.

#### **5. Transportation Funding**

**To see if NHMA will SUPPORT** a state transportation policy that ensures adequate funding for state and municipal highways and other modes of transportation. The policy should include:

- a) Maintenance of the proportionate share of the state highway fund that is distributed to cities and towns under current law.
- b) Increased funding, which may include the state road toll, local option fees, and other revenue sources as necessary.
- c) No further diversion of state highway funds for non-highway purposes.

#### **6. Solid Waste Revolving Funds**

**To see if NHMA will SUPPORT** legislation to allow municipalities to establish, by vote of the legislative body, revolving funds for their solid waste programs, including but not limited to solid waste collection and disposal, and the operation of any municipally operated transfer station, in addition to recycling.

#### **7. Clarify Establishing Highways**

**To see if NHMA will SUPPORT** legislation clarifying that the dedication and acceptance method of highway creation requires express acceptance by vote of the legislative body, or the board of selectmen if so delegated.

#### **8. Water Fund**

**To see if NHMA will SUPPORT** (1) the establishment of a water trust fund to ensure adequate annual investment in water infrastructure, and (2) sustainable revenue sources for the water trust fund.

#### **9. Utility Infrastructure**

**To see if NHMA will SUPPORT** legislation clarifying that municipalities may incur debt for the purpose of creating or improving broadband and other utility infrastructure.

#### **10. Complete Streets**

**To see if NHMA will SUPPORT** development of a statewide complete streets policy that considers the interests of the state's municipalities.

#### **11. Increase or Elimination of Net Metering Cap**

**To see if NHMA will SUPPORT** increasing or eliminating the statutory cap on net energy metering and group net energy metering, and **SUPPORT** legislation to increase the maximum allowable capacity for net-metered renewable energy projects to at least 5 megawatts.

#### **12. Severe Weather Events**

**To see if NHMA will SUPPORT** legislation that enables the state and municipalities to mitigate the effects of extreme weather events, including the promotion of resilient infrastructure and practices, and **SUPPORT** regional and federal policies that work to limit or reverse the increasing frequency and intensity of such events.

### **Standing Policy Recommendations**

#### **13. Oppose Statewide Zoning Mandates**

**To see if NHMA will SUPPORT** a policy recognizing the legislature's authority to establish statewide priorities in zoning and land use regulation, but opposing legislation that does not allow reasonable local control in implementing those priorities, or that mandates specific criteria that municipalities must follow.

#### **14. Municipal Use of Structures in the Right-of-Way**

**To see if NHMA will SUPPORT** legislation to authorize municipalities to use, for any municipal purpose, the space designated for municipal good upon all poles, conduit and other structures within their rights-of-way without paying unreasonable make-ready costs. This includes the right to use that space for data and

voice transmission to, from, and by the municipal government, schools, library, and other governmental institutions. It also includes a requirement that the owners of utility poles and conduit do the necessary work for that space to be available.

#### 15. Regional Water Quality

To see if NHMA will **SUPPORT** legislation to encourage the State of New Hampshire and its political subdivisions to work cooperatively on a watershed or regional basis in addition to dealing with all water quality issues as individual communities.

#### 16. Conservation Investment

To see if NHMA will **SUPPORT** permanent funding for the Land and Community Heritage Investment Program and **OPPOSE** any diversion of such funds to other uses.

#### 17. Environmental Regulation and Preemption

To see if NHMA will **SUPPORT** legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits the establishment of comprehensive statutory schemes that supersede local regulation, and (c) recognizes that even when local environmental regulation is preempted, compliance with other local laws, such as zoning and public health ordinances and regulations, is still required.

#### 18. Energy, Renewable Energy and Energy Conservation

To see if NHMA will **SUPPORT** legislation encouraging state and federal programs that provide incentives and assistance to municipalities to adopt energy use and conservation techniques that will manage energy costs and environmental impacts, promote the use of renewable energy sources, and promote energy conservation, and opposes any legislation that overrides local regulation.

#### 19. Open Space Retention and Sprawl Prevention

To see if NHMA will **SUPPORT** legislation encouraging statewide programs that provide incentives and assistance to municipalities to adopt land use planning and regulatory techniques that will manage growth and development and retain existing tracts of undeveloped open space.

#### 20. Sludge/Biosolids

To see if NHMA will **SUPPORT** reliable enforcement of scientifically based health and environmental standards for the management of sludge, septage, and biosolids; and **OPPOSE** any state legislation that would curtail the ability of municipalities to dispose of municipally-generated biosolids through land spreading, when done in accord with such scientifically based health and environmental standards.

#### 21. Current Use

To see if NHMA will **SUPPORT** any legislative attempt to undermine the basic goals of the current use program and **OPPOSE** any reduction in the 10-acre minimum size requirement for qualification for current use, beyond those exceptions now allowed by the rules of the Current Use Board.