

2009 | *Final Legislative*
BULLETIN

NEW HAMPSHIRE MUNICIPAL ASSOCIATION



The Legislature Has Left the Building...

Both houses of the Legislature adopted the biennial budget on June 24, amid heated disagreement over budget priorities, retirement funding and the long-term fiscal health of the State. Those issues are never easy to resolve and are often marked by lively debate over passionately held beliefs.

In this final legislative summary, we are providing a synopsis of 86 chapter laws affecting municipalities which were passed in 2009. More than 300 chapters were adopted this session and you can access these chapters directly at http://www.gencourt.state.nh.us/bill_status/Misc/Chaptered_final_version.aspx. If you have any trouble finding information, however, please contact the Government Affairs staff for assistance.

Among the successful legislation affecting municipalities were bills related to planning and zoning—use and area variances, penalties for land use violations and the selection of ZBA members; bills related to budget and finance—acceptance of electronic payments, procedures for rescinding a bond, extending lease options up to five years and allowing special meetings to address American Recovery and Reinvestment Act (ARRA) funding and state budget cuts; environmental and miscellaneous legislation including on-board diagnostic (OBD) emissions testing and tree trimming in an attempt to avert widespread power outages; and, of course, the budget and trailer bills.

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As you know, the budget process this year was particularly difficult for legislators and advocates alike. While the Legislature funded the meals and rooms tax distribution to cities and towns, it suspended revenue sharing for the biennium and reduced the State's retirement contribution for teachers, police officers and firefighters. There is on-going discussion about the provisions of the State budget, which we expect will continue for some time. In addition, the Legislature will soon begin its review of retained and re-referred bills, as well as the statutory study commissions that were adopted this session. We will keep you apprised of the progress on that front on an ad-hoc basis during the fall.

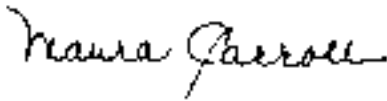
This *Final Legislative Bulletin* is our chance to acknowledge that if it were not for member local officials who take part in the legislative process in myriad ways, we would not have legislative successes or the ability to offer some of the creative solutions to state and local problems that have been addressed over the years. All of you are the ones who make a difference and help us, as staff, to do the job you expect of us. You are a delight to work with and we are grateful for all that you do on behalf of those you represent.

Please remember to thank your legislators who have assisted by sponsoring municipal legislation, by voting to help local interests, and by listening to the concerns you have expressed about legislative issues. Although you may be exceedingly disappointed in some of the decisions made this year, remember that without these legislators, no municipal legislative policy would ever be adopted. To use a sports analogy—there's always next year!

Continued on next page

The end of the legislative session also provides opportunity to extend personal thanks to the members of LGC/NHMA's staff for their professionalism, their willingness to be flexible and to take on tasks that are necessary but less than glamorous, to adjust priorities and respond to emergencies, and for their commitment to the mission of service to local government. Chief among these are the staff of the Legal Services and Government Affairs Department, particularly Barbara Olson and Pam Valley, our ever-present support during the session and beyond; Judy Silva, Cordell Johnston, Barbara Reid and Susan Olsen, who provide masterful advocacy on behalf of local government; Chris Porter, who gathers and organizes a plethora of useful and compelling information to assist the advocacy effort; David Minnis, who helps coordinate local officials contacting legislators directly; and David Connell, Paul Sanderson, Kim Hallquist and Chris Fillmore, who ask pertinent questions and provide feedback on pending legislation. We also acknowledge members of the Communications, Finance, IT and HealthTrust staff, Judy Blossom, Sharon Hazeltine, Ashley Monier, Julie Palmer, Judy Pearson, Audrey Bentley, Joanne Brunk, AnnMarie French, Scott Gagne, Stacy Koscielniak, Billie-Jo Richardson, Jason Levine and Judy Glendenning, who assisted with the *Legislative Bulletin*, reporting requirements, workshops and details of the Municipal Advocacy Committee meetings. Without all of your help, our advocacy efforts would be less effective. *Thank you.*

The Government Affairs staff wishes you a healthy and happy summer! Please contact us if you have questions, concerns or suggestions.



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Local Government Center and the
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I. CLERKS; ELECTIONS; OFFICIAL BALLOT

Vote Tallies on Warrant Articles. Chapter 2 (SB 38) allows a board of selectmen to print the numerical vote tallies of the selectmen and/or budget committee next to articles on the town warrant, even though the town's legislative body has not voted to require the printing of such tallies. **E.D. February 20, 2009.**

Special Meetings for ARRA Appropriations. Chapter 14 (SB 39) authorizes any town, village district or school district to call a special meeting without court approval for the purpose of appropriating the local matching share, the issuance of bonds, or the adoption of an article under RSA 31:95-c, in response to the American Recovery and Reinvestment Act (ARRA) of 2009, also known as "stimulus funding." Specific notification procedures for calling an ARRA special meeting are included in this chapter. Note however, *the ARRA special meeting section of Chapter 14 was repealed and re-enacted under Chapter 229 (HB 239) also described below.* **E.D. April 17, 2009, with a repeal date of January 1, 2010.**

Machines Used Only to Count Votes. Chapter 70 (HB 105) removes references in state law to "voting machines" and "devices for the computerized casting of ballots" and replaces them with references to "electronic ballot counting devices" to make clear that machines may be used to count ballots electronically, but not to vote electronically. **E.D. August 8, 2009.**

Observation of Voter Registration. Chapter 127 (HB 387) amends current law to allow any person the right to observe in-person, same-day registration. It requires the ballot clerk, upon recording such registrations, to publicly announce the person's name twice and his or her address once so any person challenging the registration may hear it. Persons observing and/or challenging registrations may not stand closer than five feet to the voter registration table; however, in the event that polling places do not afford access within hearing proximity, moderators must provide alternative means for challenges at the check-in table to be made. **E.D. August 31, 2009.**

Assistance in Voting. Chapter 139 (SB 118) allows moderators to designate inspectors to assist voters in marking ballots and/or gaining physical access

to polling places. After declaring the need for such assistance under oath, a voter may choose to receive assistance from someone of his or her choice (provided the person is neither the voter's employer nor a union official) instead of an appointed inspector. **E.D. August 28, 2009.**

Vehicle Registration By Persons Without a Permanent Street Address. Chapter 174 (HB 112) provides an alternative address for those without a permanent street address to use to re-register their motor vehicles. Homeless persons may re-register their vehicles by certifying to the Division of Motor Vehicles that they are a resident of the municipality and providing a letter signed by an authorized representative of a social service or 501(c)(3) organization stating that the person is authorized to use the mailing address of the organization or agency. Those who have no permanent street address because they are traveling out of state in a recreational vehicle for a period of up to two years may re-register by completing a written attestation of residency and providing a letter from an adult property-owning resident of the municipality who agrees to act as the person's mailing address. **E.D. January 1, 2010.**

Various Changes to Election Laws. Chapter 214 (HB 623) makes various minor changes to state election laws, including a new provision allowing the Secretary of State to distribute biennial election manuals in either electronic or printed format; changes to the overseas absentee registration affidavit; a shortening of the period for submitting the name of a new candidate to take the place of one who has died or is disqualified; and a requirement that nomination papers for candidates not nominated by party primary be dated in the year of the election. **E.D. September 13, 2009.**

Special Meetings for ARRA Appropriations and to Reduce Appropriations; Rescission of Bonding Authority. Chapter 229 (HB 239) repeals the provisions for special meetings for ARRA appropriations contained in chapter 14, and reenacts those provisions with greater clarity and specificity (see **section 5 of Chapter 229**). The effective date of these new provisions is the same as for the **Chapter 14** provisions, so any municipality holding a special meeting before this chapter was finalized will still be covered by its provisions. Any town, village district or school

district is authorized to call a special meeting without court approval for the purpose of appropriating the local matching share, the issuance of bonds, or the adoption of an article under RSA 31:95-c, for ARRA purposes. An official ballot municipality under “SB 2” may instead follow the provisions of the chapter, which also spells out the special procedures to be followed in order to hold an expedited meeting, given the quick time frame for the application for and use of ARRA funds. The chapter makes clear that only the statutes and procedures specifically incorporated in the chapter are required to be followed, and that the typical special meeting requirements are not required. **E.D. April 17, 2009.**

Section 4 of Chapter 229 also contains provisions for special meetings for the consideration of reducing or rescinding appropriations in response to anticipated reductions in state revenues. Only the governing body may call the meeting and may place articles on the warrant. No petitioned meetings or articles are allowed. The governing body’s warrant article(s) must specify the amounts of appropriations proposed for reduction or rescission from the operating budget and/or from separate warrant articles adopted at the 2009 annual meeting. A public hearing must be held, and the chapter sets forth the notice provisions for both the public hearing and the meeting. The legislative body may approve or disapprove any proposed reduction or rescission or may approve lesser reductions. The legislative body may *not* approve greater reductions, increase appropriations, reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting. **E.D. July 16, 2009.**

Finally, **Chapter 229** establishes a clear statutory process to rescind municipal bonds or notes which have been authorized for at least five years, but not issued. A new section, RSA 33:8-f, is added to the municipal finance act, which sets forth the rescission process and which also authorizes voters to limit the length of time a bond authorization remains valid at the time they approve the bonding authority. **E.D. January 1, 2010. NHMA POLICY.**

Voter Qualifications. Chapter 278 (HB 265) modifies voter citizenship affidavits to include sworn affirmation that in addition to being a citizen of the United States, persons applying are—or will be by the

next election—18 years old, are who they say they are, and by doing so, are “qualified” to vote. Further, it modifies the domicile affidavit by requiring the applicant to swear affirmatively that he or she is not and will not be registered to vote in any other municipality. **E.D. January 1, 2010.**

Student Domicile for Voting and Absentee Ballot Forms. Chapter 288 (HB 614) allows students “of any institution of learning” to lawfully claim domicile—for the purposes of voting—in the city or town in which they live while attending school if they have established a physical presence and manifest an intent to maintain a single continuous presence for domestic, social, and civil purposes. The chapter also removes the requirement to include an applicant’s date of birth on absentee ballot forms. **E.D. September 27, 2009.**

II. INTERGOVERNMENTAL RELATIONS; RETIREMENT; STATE BUDGET

Effective Date for “Spiking” Assessments. Chapter 4 (HB 223) changes the effective date from August 29, 2008 to July 1, 2010 for the New Hampshire Retirement System (NHRS) to assess employers for additional contributions due to end-of-career payments to employees—the so-called “spiking” provision that was enacted in Chapter 300, Laws of 2008 (HB 1645). **Chapter 4** also includes a provision authorizing a governing body, upon written request to the Commissioner of the Department of Revenue Administration (DRA), to remove any appropriation voted to fund anticipated spiking costs from the municipality’s 2009 tax rate. **E.D. August 29, 2008 (the effective date of the spiking provision in Chapter 300, Laws of 2008).**

Eligibility for Medical Benefits for Certain Group I Teachers and Employees. Chapter 12 (HB 633) clarifies language enacted last year relative to medical subsidy payments provided by the NHRS to group I teachers and employees who retired prior to the age of 60, but otherwise met all the eligibility requirements for medical subsidy benefits. **E.D. April 17, 2009.**

Biennial State Operating Budget and Trailer Chapter. Chapter 143 (HB 1) and Chapter 144 (HB 2) comprise the state budget appropriations and

so-called trailer chapter, which contains the myriad of statutory changes needed to carry out the State's budget plan. The schedule of state aid to cities, towns, and school districts prepared by the Legislative Budget Assistant's Office (LBAO) can be found at the back of this publication. Included are the following provisions which affect municipal operations:

- **Meals and Rooms Tax Revenues:** The budget includes the meals and rooms tax distribution to municipalities for each year of the biennium. The amount distributed each year will be \$58.8 million, which is the same as the fiscal year 2009 level. The statutory formula for increasing this distribution, up to \$5 million per year contingent upon increases in meals and rooms tax revenues received by the State, was suspended for the biennium.

NOTE: The State Treasurer notified NHMA that the meals and rooms distribution payments will be made during the week of December 28, 2009. Also, the State Treasurer noted that payments may differ slightly from the amounts individual municipalities received in fiscal year 2009. While the total distribution will be made at the fiscal year 2009 level, the specific amount per municipality must still be determined based on the statutory population formula.

- **Revenue Sharing:** Revenue sharing to municipalities is suspended, representing a loss of \$50.4 million over the biennium. A revenue sharing line item remains in the budget with one dollar appropriated for each year.
- **State Retirement Contribution:** The budget reduces the state share of the employer contribution for teachers, police, and fire from 35 percent to 30 percent in fiscal year 2010 and to 25 percent in fiscal year 2011, increasing the local employer contribution rates from 65 percent to 70 percent and 75 percent. This will result in additional costs to cities, towns, school districts and counties of approximately \$27 million over the biennium. This downshift of state costs is an unfunded mandate in violation of Part I, Article 28-a of the New Hampshire Constitution.

- **State Medical Subsidy Liability to Political Subdivisions:** The budget eliminates a \$17 million state liability to political subdivisions in the NHRS medical subsidy account. Recent changes to the GASB accounting standards required NHRS to separate the State and political subdivision medical accounts. This accounting procedure brought to light the fact that political subdivisions have been subsidizing the State's contribution to the account. Based on the NHRS audited financial statements, the State owes political subdivisions \$17 million. There will be an increase in the employer contribution rate for employees due to the elimination of this state liability.
- **Highway Funding:** The budget provides for highway funding based largely on increased vehicle registration fees, dedicating a portion of those increases to the highway and bridge betterment account. Starting in 2011, municipalities are expected to see an increase in block grant funds estimated at \$4.9 million.
- **Environmental Grants:** Money for current grant obligations for municipal public water and wastewater treatment projects is included in the budget. Municipalities receiving grant payments will continue to do so. However, no funding is provided for projects pending DES approval, even though those projects were initiated, and in some cases already completed, with the expectation that DES would partially reimburse municipalities for the cost. Municipalities should continue to submit applications for eligible projects in the event that funding becomes available in the next biennium and to keep DES apprised as to the need for this funding.
- **Court Closures:** The budget did not include funding for the New London District Court. The other proposed closures/consolidations will not take place at this time and will be studied further.
- **LCHIP:** Funding for the Land and Community Heritage Investment Program is based on actual income received from the document recording surcharge collected by the Registers of Deeds. LCHIP will receive the full amount from its

dedicated funding source (budgeted at \$3.4 million in fiscal year 2010), but only half of its projected revenue (budgeted at \$1.7 million in fiscal year 2011), with the balance going to the general fund.

E.D. The provisions above are effective July 1, 2009, unless otherwise noted in the description.

Capital Budget. Chapter 145 (HB 25) makes appropriations for capital improvements for the biennium and extends certain lapse dates for previous appropriations. See the chapter for further details. **E.D. lapse provisions June 30, 2009; remainder July 1, 2009.**

Elimination of Gainful Occupation Reductions for Certain Group II Members. Chapter 158 (HB 420) eliminates reductions to NHRS retirement allowances for gainful occupation for group II members on accidental disability status, provided that years of service and age requirements are met. **E.D. July 1, 2009.**

Eligibility for Medical Benefits for Vested Deferred Group I Members. Chapter 164 (HB 685) clarifies language relative to medical subsidy payments provided by the NHRS to group I teachers and employees who were in a vested deferred retirement status, but otherwise met all the eligibility requirements for the medical subsidy benefits. **E.D. July 8, 2009.**

Changes in District Courts. Chapter 165 (SB 31) establishes a judicial branch family division in the Candia District Court in Rockingham County. The chapter moves matters arising in Deerfield, Northwood, Nottingham and Raymond from the now closed Auburn District Court to Candia. The chapter also houses the judicial branch family division in Hillsborough County in the Manchester District Court. Finally, it directs that cases arising in Durham, Lee and Madbury will no longer be held in Durham court facilities, but at the location of the Dover-Somersworth-Durham District Court. **E.D. July 8, 2009.**

Retirement “Spiking” Provision Revisited. Chapter 289 (HB 641) requires the NHRS to develop a specific methodology to determine employer assessments for excess benefits paid to retirees, taking into account

the normal employer contributions and the employee contributions paid on such compensation, and to report such methodology to the legislature no later than December 1, 2009. The chapter also requires employers to report annually to NHRS the annual base pay paid to each member of the system. **E.D. July 29, 2009.** Finally, the chapter amends the spiking application provision enacted last year in Chapter 300:34 by including an exception for contracts that continue as a result of “operation of law or the status quo doctrine.” **E.D. July 1, 2010.**

See related chapters: **Chapter 4 (HB 223)** and **Chapter 304 (SB 108).**

Committee to Study Retirement “Spiking” Costs and “Earnable Compensation.” Chapter 304 (SB 108) establishes a legislative study committee with two senators and four house members to study the laws requiring the imposition of assessments to retirement system employers for excess benefits paid to retirees, including “earnable compensation.” The study committee shall issue an interim report on or before November 1, 2009 and a final report on or before November 1, 2010. The chapter also requires the NHRS to report to the committee by November 1, 2009 relative to death benefits under RSA 100-A. **E.D. July 31, 2009.**

Retirement Death Benefits. Chapter 324 (SB 200) allows beneficiaries of state retirement system members who die while performing qualified military service to receive ordinary death benefits as provided for in the federal Heroes Earnings Assistance and Relief Tax Act of 2008, and continues the benefits after the remarriage of the surviving spouse. **E.D. August 7, 2009.**

Retirement Benefits for Surviving Spouse. Chapter _____ (SB 160) amends the retirement system statute to allow the continued receipt of retirement benefits by the surviving spouse of a member who is killed or dies in the performance of duty, even if that surviving spouse remarries. **E.D. _____.** (Not signed into law as of press time.)

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

Increased Contract Amount for Bond Requirement. Chapter 8 (HB 284) increases to \$35,000 (from \$25,000) the contract amount for public works projects that gives rise to an obligation on the part of the state or any municipality or other political subdivision to obtain a bond from the contractor to secure payment for labor and materials. **E.D. June 16, 2009.**

Municipal Deposits. Chapter 14 (SB 39) amends RSA 41:29, VII by changing the threshold for daily deposits of municipal funds from \$500 to \$1,500. An exception to this threshold is provided for any municipality without a bank or financial institution within its borders. In those cases, the treasurer shall make deposits on at least a weekly basis, or more frequently as directed by the board of selectmen in an investment policy adopted pursuant to RSA 41:9, VII. See Section I for the special ARRA meeting provisions. **E.D. June 16, 2009.**

Acceptance of Electronic Payments. Chapter 37 (HB 141) amends RSA 80:52-c to authorize cities and towns to accept payment of local taxes, charges for utility services, or other fees or charges by use of a credit card, debit card or any other means of electronic transaction approved by the governing body. **E.D. July 14, 2009. NHMA POLICY.**

No Armed Forces Service Numbers in Registry Filings. Chapter 69 (HB 88) adds a person's armed forces service number to the personal and financial information which may not be included in documents to be filed with a register of deeds pursuant to RSA 478:4-b. **E.D. August 8, 2009.**

Capital Expenditures in Central Business Service Districts. Chapter 81 (HB 320) authorizes capital expenditures of up to \$20,000 for projects in central business service districts, upon approval by a two-thirds vote of the district's advisory committee and approval, after a duly noticed public hearing, by a two-thirds vote of the municipality's governing body. **E.D. August 8, 2009.**

State-Only Criminal Record Check. Chapter 99 (SB 202) amends RSA 41:9-b, passed in 2008, to make clear that a municipality may request *only* a state record check when conducting a background investigation on a candidate for employment or a volunteer position when the person will be working with or around children or elderly persons, will enter the home of citizens, or will collect or manage money. A municipality may also obtain a federal record check in appropriate circumstances, in which case a state record check must also be conducted. Both state and federal record checks are conducted through the Division of State Police. **E.D. June 12, 2009.**

Payments in Lieu of Taxes for State-Acquired Dams. Chapter 112 (HB 674) amends RSA 481:14 dealing with payments in lieu of taxes (PILOTs) for property acquired for dam maintenance or construction purposes. PILOTs will continue to be paid to those municipalities which received such payments from the Department of Environmental Services (DES) as of December 31, 2008. However, PILOTs will not be paid on such property acquired in the future. **E.D. August 14, 2009.**

Unpaid Day Off on Veterans Day. Chapter 116 (HB 90) allows any veteran who has received an honorary discharge from the United States armed forces to choose not to work on Veterans Day, provided the employee gives advance notice in accordance with the employer's policies and procedures. The employer is not required to pay wages for Veterans Day to an employee who exercises the option. Qualifying emergency responders are entitled to take the day off so long as there is another emergency responder available. **E.D. August 21, 2009.**

License Expiration Date for Vehicle Recycling and Junk Yards. Chapter 120 (HB 115) changes the expiration date for both motor vehicle recycling and junk yards from April 1 to July 1. The purpose of the chapter was to take cognizance of the fact that weather conditions surrounding the original April 1 deadline could sometimes prohibit the inspections that might be required in order to approve the annual re-licensing. The chapter also extends existing licenses from their current April 1 expiration to July 1. **E.D. July 1, 2009.**

Five-Year Leases of Municipal Property Authorized. Chapter 121 (HB 142) amends RSA 41:11-a to allow the legislative body to authorize the selectmen to rent or lease municipal property for a term of up to five years without further vote or ratification of the town. **E.D. August 21, 2009. NHMA POLICY.**

Replacement Structures May Qualify for Revitalization Tax Relief Incentive. Chapter 200 (HB 96) extends the community revitalization tax relief incentive under RSA 79-E to apply to replacements of qualifying structures. Previously, the incentive was available only for rehabilitation of existing structures. The law contains provisions to ensure that the incentive will not be used to replace structures that have significant historical, cultural, or architectural value. In a municipality that has already adopted the provisions of RSA 79-E, the incentive will be available to replacement structures only if the municipality readopts the chapter in its entirety or expressly adopts the provisions regarding replacement structures. **E.D. July 15, 2009.**

Business Tax Credits and Revenues. Chapter 223 (SB 182) establishes a legislative committee to study business tax credits and the revenues attributable to them, including the community development finance authority investment tax credit under RSA 162-L:10, the economic revitalization zone tax credit under RSA 162-N, and the Coos County job creation credit under RSA 162-Q. The committee must issue its report by December 1, 2009. **E.D. July 15, 2009.**

Special Meetings for ARRA Appropriations and to Reduce Appropriations; Rescission of Bonding Authority. Chapter 229 (HB 239) repeals the provisions for special meetings for ARRA appropriations contained in Chapter 14, and reenacts those provisions with greater clarity and specificity (see section 5 of Chapter 229). The effective date of these new provisions is the same as for the Chapter 14 provisions, so any municipality holding a special meeting before this chapter was finalized will still be covered by its provisions. Any town, village district or school district is authorized to call a special meeting without court approval for the purpose of appropriating the local matching share, the issuance of bonds, or the adoption of an article under RSA 31:95-c, for ARRA purposes. An official ballot municipality under "SB 2" may instead follow the provisions of the

chapter, which also spell out the special procedures to be followed in order to hold an expedited meeting, given the quick time frame for the application for and use of ARRA funds. The chapter makes clear that only the statutes and procedures specifically incorporated in the chapter are required to be followed, and that the typical special meeting requirements are not required. **E.D. April 17, 2009.**

Section 4 of Chapter 229 also contains provisions for special meetings for the consideration of reducing or rescinding appropriations in response to anticipated reductions in state revenues. Only the governing body may call the meeting and may place articles on the warrant. No petitioned meetings or articles are allowed. The governing body's warrant article(s) must specify the amounts of appropriations proposed for reduction or rescission from the operating budget and/or from separate warrant articles adopted at the 2009 annual meeting. A public hearing must be held, and the chapter sets forth the notice provisions for both the public hearing and the meeting. The legislative body may approve or disapprove any proposed reduction or rescission or may approve lesser reductions. The legislative body may *not* approve greater reductions, increase appropriations, reduce or rescind an appropriation not specified in the warrant, or act on any other business at the meeting. **E.D. July 16, 2009.**

Finally, **Chapter 229** establishes a clear statutory process to rescind municipal bonds or notes which have been authorized for at least five years, but not issued. A new section, RSA 33:8-f, is added to the municipal finance act, which sets for the rescission process and which also authorizes voters to limit the length of time a bond authorization remains valid at the time they approve the bonding authority. **E.D. January 1, 2010. NHMA POLICY.**

Enforcement of Local Ordinances. Chapter 270 (HB 86) gives municipalities more options for enforcing local ordinances. First, it allows a municipality to establish, by ordinance adopted by the legislative body, a system for the administrative enforcement of violations, to be used prior to the service of a formal summons and complaint. The system may be administered by a police department or other municipal agency, and may include opportunities to pay penalties by mail.

Apart from that procedure, the law establishes a plea-by-mail system for the enforcement of local ordinances, under which a local official with authority to prosecute offenses may issue and serve a local ordinance citation, in addition to a summons to appear in district court. The defendant may plead guilty or nolo contendere by mail or may choose to appear in court to contest the citation. This system may be used regardless of whether a municipality adopts a system for administrative enforcement as described above.

The chapter also clarifies that municipalities may create fines for violations related to garbage and other waste materials and for violations of housing codes, and may establish procedures for enforcement of such violations and collection of penalties. **E.D. January 1, 2010.**

Availability of Electronic Records under Right to Know Law. Chapter 299 (HB 206) clarifies that governmental records maintained in electronic form must remain accessible and be made available to the public on request for so long as they are retained, even if applicable retention or archival periods have expired. **E.D. September 29, 2009.**

IV. PLANNING AND ZONING

Availability of Land Use Board Minutes. Chapter 49 (HB 210) amends various planning and zoning statutes to provide that minutes of land use board meetings must be made available for public inspection within five business days after the meeting, rather than within 144 hours. The change is consistent with an amendment to the Right to Know Law that was made two years ago. **E.D. January 1, 2010.**

Requirements for Third-Party Review. Chapter 73 (HB 156) requires a planning board to obtain detailed invoices when it hires a third party at the applicant's expense to review a land use application or related document or conduct inspections during the construction process. Upon request of the applicant, the board must promptly provide a detailed accounting of expenses or corresponding escrow deductions, with copies of supporting documentation. Any person retained as a third-party inspector during the

construction process is required to report promptly to the planning board or appropriate municipal authority and to the applicant any perceived construction defect or deviation from the approved project plans. **E.D. August 9, 2009.**

Temporary Extension of Vesting Periods for Zoning Exemptions. Chapter 93 (SB 93) temporarily extends the periods under RSA 674:39 to achieve the temporary and permanent exemptions from subsequent changes in zoning ordinances and other land use regulations. For any subdivision or site plan approved by a planning board on or after January 1, 2007, and before July 1, 2009, the developer will be allowed 36 months (rather than 12 months) to achieve active and substantial development or building in order to obtain the temporary exemption. For a subdivision or site plan approved on or after July 1, 2005, and before July 1, 2009, the developer will be allowed six years (rather than four) to achieve substantial completion in order to obtain the permanent exemption. **E.D. June 12, 2009.**

Use of Alternates by Land Use Boards. Chapter 114 (HB 44) allows the chairperson of a local land use board to designate an alternate member of the board to fill a vacancy on the board temporarily until the vacancy is filled by the appropriate body in the manner provided in RSA 673:12. If the vacancy is for an *ex officio* member, only the person who has been appointed to serve as the alternate for the *ex officio* member may be designated. **E.D. August 21, 2009.**

Delayed Effective Date for Workforce Housing Law. Chapter 157 (HB 321) delays until January 1, 2010, the effective date of Chapter 299 (SB 342) of the 2008 laws, which established workforce housing requirements for municipalities that exercise land use regulation authority. The law previously was scheduled to take effect on July 1 of this year. **E.D. July 8, 2009.**

Penalties for Land-Use Violations. Chapter 173 (HB 106) amends RSA 676:17, I, to clarify that each day that a land use violation continues shall be considered a separate offense. The new law ensures that an ongoing violation will be subject to a series of individual \$275 or \$550 fines, rather than one large cumulative fine that could exceed the \$25,000

jurisdictional limit of the district court; thus, the new law enables all such violations to be prosecuted in district court, rather than in superior court. **E.D. September 11, 2009. NHMA POLICY.**

Fluvial Erosion Hazard Zoning. Chapter 181 (HB 290) authorizes municipalities to adopt fluvial erosion hazard ordinances pursuant to their zoning authority. Such ordinances must be based on delineation of zones consistent with any fluvial erosion hazard protocols established by DES. Before submitting a fluvial erosion hazard ordinance to the legislative body for adoption, a planning board must submit to DES a map of the proposed fluvial erosion hazard zones. DES has 30 days to review the map and advise the board whether the map and zones are consistent with department protocols. The department's comments, if any, are advisory only. **E.D. July 13, 2009.**

Guidelines for Developments of Regional Impact. Chapter 194 (SB 29) allows regional planning commissions to develop and update guidelines to assist local land use boards in determining whether a development has a regional impact. Such guidelines are to be developed with public participation, after the public posting of notice of the intent to develop guidelines. **E.D. September 11, 2009.**

Availability and Recording of Land Use Decisions. Chapter 266 (SB 189) requires a local land use board to make available to the applicant a copy of any final decision approving or disapproving an application for a local permit. If the application is approved with conditions, the written decision must include a detailed description of all conditions necessary to obtain final approval. If a plat is recorded to memorialize an approval, the final written decision, including all conditions of approval, must be recorded with or on the plat. The chapter also changes certain provisions of RSA 677 to refer to the filing of meeting minutes within five business days after a decision is made, rather than 144 hours; these changes duplicate some of the changes made in Chapter 49, described above. **E.D. September 14, 2009.**

Change in Manner of Selecting ZBA Members. Chapter 286 (HB 534) clarifies that a municipality's decision to change from elected to appointed ZBA members or vice versa may be accomplished by a

regular vote at any meeting of the legislative body, without amending the zoning ordinance. **E.D. January 1, 2009. NHMA POLICY.**

Waiver of Subdivision and Site Plan Regulations. Chapter 292 (HB 43) authorizes planning boards to include provisions in their subdivision and site plan review regulations allowing for the waiver of any portion of the regulations when specific circumstances relative to the application or conditions of the land indicate that the waiver will properly carry out the spirit and intent of the regulations. This is in addition to the current law, which allows the regulations to provide for waiver when strict conformity would pose an unnecessary hardship and waiver would not be contrary to the spirit and intent of the regulations. Under the new law, the basis for any waiver granted by the planning board must be recorded in the minutes of the board. **E.D. September 29, 2009.**

Criteria for Zoning Variances. Chapter 307 (SB 147) eliminates the distinction created by the New Hampshire Supreme Court between a use variance and an area variance for purposes of determining whether an "unnecessary hardship" exists. It codifies a definition of unnecessary hardship to be used in all cases and explains, in a statement of intent, that the definition is based on the standards established by the Supreme Court in *Simplex Technologies v. Town of Newington*, 145 N.H. 727 (2001). As an alternative, it also allows unnecessary hardship to be established under the standards in effect prior to the *Simplex* decision. The chapter also adds a requirement that the variance not diminish the value of surrounding properties, a requirement that has been observed by the Supreme Court for many years, but was not previously in the statute. **E.D. January 1, 2010. NHMA POLICY.**

V. ENVIRONMENTAL REGULATIONS AND PROTECTION; SOLID/HAZARDOUS WASTE

Eligibility of Renewable Energy Facilities for Municipal Bonding. Chapter 56 (SB 127) expands the definition of business and industrial facilities eligible in current law for municipal bonding to

include renewable energy facilities. As defined in existing statute, “renewable energy facility” means “electric generating station equipment and associated facilities designed for, or capable of, operation at a nameplate capacity of greater than 30 megawatts but less than 120 megawatts and powered by wind energy, geothermal energy, hydrogen derived from biomass fuels or methane gas, ocean thermal, wave, current, or tidal energy, methane gas, biomass technologies, solar technologies, or hydroelectric energy.” It also includes “electric generating station equipment and associated facilities of 30 megawatts or less nameplate capacity but at least 5 megawatts” as stand-alone facilities for which municipal bonds could be floated. The inclusion of both for municipal bonding is intended to foster municipal development of small-scale renewable or “clean” energy projects and services. **E.D. July 21, 2009.**

Definition of Electronic Waste. Chapter 126 (HB 338) adds “computer” and “video display media recorder/player” and their respective definitions to those items which may not be placed in a landfill or be incinerated. It also prohibits “central processing unit(s)” of computers and “non-mobile video display media recorder(s)/player(s)” from being similarly disposed; however, it does not provide definitions of the latter two. **E.D. June 22, 2009.**

Exemption and Waivers for Work in Wetlands. Chapter 185 (HB 384) provides an exemption from the excavating and dredging permit requirement of RSA 482-A:3 for utility providers that maintain and repair existing utility services within existing rights of way under the best management practices manual published by the Department of Resources and Economic Development (DRED), provided that certain information is submitted to DES along with a one-time filing fee of \$200 per town.

The law also allows DES to grant a waiver from the permitting limitations in RSA 482-A:11, IV, with respect to areas designated as prime wetlands, for forest management work and related activities in the forested portion of a prime wetland or its 100-foot buffer. The applicant for a waiver must submit a copy of the waiver request to the local governing body, the planning board, and the conservation commission of the municipality in which the prime wetland is located. The department may issue a waiver only when

it is able to determine that there will be no significant net loss of wetland values. The department is required to adopt rules relative to the process and criteria for granting waivers. **E.D. September 11, 2009.**

Alternate Fuel Vehicle Study Commission. Chapter 189 (HB 515) creates a commission to study rules of the road and taxation associated with “alternate fuel vehicles.” The commission is to be composed of legislators and the commissioners of the departments of transportation, safety and environmental services and has until November 1, 2009 to issue its findings. **E.D. July 13, 2009.**

Criminal Mischief and Natural Landmarks. Chapter 193 (SB 22) updates existing law against vandalizing, defacing or destroying any part of the now lost “Old Man of the Mountain” to include acts of a similar nature against any “natural area or landmark” so designated by state, local or federal governments and/or political subdivisions. In addition to possible fines, persons so convicted will now be guilty of a class A misdemeanor. **E.D. July 13, 2009.**

Rivers Management and Protection Program. Chapter 201 (HB 102) makes numerous changes relative to the Rivers Management and Protection Program and establishes a volunteer river assessment program. **E.D. July 15, 2009.**

Certain Trail Construction Exempt from Terrain Alteration Permitting. Chapter 208 (HB 452) provides that trail construction operations for the purposes of modifying existing biking and walking trails shall be exempt from the terrain alteration permit requirements of RSA 485-A:17. Such operations will be issued a general permit by rule provided that they are implemented by a nonprofit organization, municipality, or government entity, are limited to a disturbed area no more than 12 feet in width, and are in accordance with applicable best management practices. **E.D. September 13, 2009.**

Water Treatment Plant Operators and Safe Drinking Water. Chapter 210 (HB 473) modifies certain provisions relative to water treatment plant operators and water distribution system personnel contained in RSA 332-E. It also amends RSA 485, the Safe Drinking Water Act, to make it a class B felony to purposely

or knowingly place or leave near a domestic water supply source any substance that may pollute the drinking water. It also increases to a class B felony the purposeful or knowing violation of any provision, rule, condition of approval, exemption, variance, or order issued under RSA 485, or any misstatement of a material fact required to be disclosed under the statute. **E.D. January 1, 2010.**

Shoreland Protection Act. Chapter 218 (SB 134) makes a myriad of changes to the Comprehensive Shoreland Protection Act, RSA 483-B, too numerous to summarize here. See the chapter law to review the specific changes. **E.D. September 13, 2009.**

Creation of the Southeast Watershed Alliance. Chapter 220 (SB 168) establishes the Southeast Watershed Alliance, which replaces the New Hampshire Estuary Alliance for Sewage Treatment, created in 2004 to take advantage of the economies of scale afforded by state and local cooperation in the development of wastewater treatment, collection and discharge systems, as well as in seeking funding for such activities. The Alliance is a public corporate body “having a distinct legal existence separate from the state.” It expands the focus beyond collaborative planning and funding, seeking to include pollution control and mitigation and an examination of the impacts of land use planning and stormwater management on the State’s coastal water resources. It also encourages the establishment of inter-municipal stormwater utilities. Finally, it establishes a nonlapsing fund administered initially by DES to be used for implementing the Alliance’s programs, which may be funded through state, local, federal or private sources. **E.D. July 15, 2009.**

Conservation Grants for Future Drinking Water Sources. Chapter 227 (HB 45) expands eligibility for state water supply land conservation grants under RSA 486-A to include future sources of public drinking water. It also expands the definition of water supply land protection grantees to include organizations that have land conservation as their principal mission. **E.D. July 16, 2009.**

Water Infrastructure Sustainability Funding. Chapter 245 (SB 60) establishes a 17-member commission to assess the state’s need to construct and maintain infrastructure to protect its water resources, considering

public health issues, ecosystem and habitat protection, and economic factors including tourism. The commission includes appointees from NHMA/LGC, the New Hampshire Public Works Association, the New Hampshire Water Works Association, the New Hampshire Water Pollution Control Association, and the New Hampshire Association of Regional Planning Commissions. The commission must prepare an interim report by November 1, 2009 and a final report by November 1, 2010. **E.D. July 16, 2009.**

Municipal Energy Commissions. Chapter 275 (HB 189) allows municipalities to establish energy commissions for the “study, planning and utilization of energy resources for municipal buildings and built resources of such city or town.” No fewer than three and no more than 10 members may be appointed for staggered three-year terms. The municipality may appropriate money for use by the energy commission and the commissions may accept gifts; however, acceptance of gifts or disbursements greater than \$500 will require a public hearing and approval of the governing body. Energy commissions may also request assistance from the Office of Energy and Planning (OEP) and/or regional planning commissions. **E.D. September 27, 2009.**

Enforceability of Publicly Owned Land Restrictions. Chapter 295 (HB 130) provides that any recorded restriction, order, covenant, or other interest in land held by the state, or any political subdivision of the state, is enforceable against any owner of the affected land, including subsequent purchasers or other transferees, even though there is no privity of estate or contract between the parties, and regardless of whether the restriction benefits any particular land. **E.D. September 29, 2009.**

In-Lieu Payments for Wetland Impacts. Chapter 303 (SB 65) authorizes DES to accept payment in lieu of other forms of compensatory mitigation for an unavoidable loss of resource functions and values resulting from any impact to wetlands. It eliminates provisions in existing law that limited in-lieu payments to impacts of less than one acre (or more for road and utility projects) that met Army Corps of Engineers criteria for a state programmatic general permit. The chapter also makes other changes to the in-lieu payment program. **E.D. September 29, 2009.**

***Junkyards Within Industrial Areas.* Chapter 310 (HB 315)** makes a technical correction to existing law by removing the outdated phrase “federal and primary [highway] system” from the designation of areas within which and adjacent to which junkyards may operate. **E.D. October 6, 2009.**

***DES Recycling Outreach Campaign.* Chapter 314 (HB 423)** adds a definition of electronic waste to the solid waste management definitions in RSA 149-M and gives DES the responsibility to collect and prepare information about recycling opportunities and to develop an outreach campaign to disseminate that information. **E.D. October 6, 2009.**

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

***State Building Code Changes and Definitions.* Chapter 41 (HB 339)** ratifies changes and updates to the State Building Code. Included in the updates are the 2006 editions of the International Building, Plumbing, Mechanical, Energy Conservation and Residential Codes as well as the 2008 National Electric Code. It also changes the definition of the State Building Code to include the 2008 National Electric Code. **E.D. July 14, 2009.**

***Carbon Monoxide Detectors Required for New Construction.* Chapter 46 (HB 120)** requires every unit in a multi-unit dwelling, and every new or substantially rehabilitated single-family dwelling, to be equipped with carbon monoxide detectors. The state fire marshal is directed to adopt rules and to either enforce the law “or appoint the appropriate municipal authority” to enforce it. **E.D. January 1, 2010.**

***Mental Illness Training for Public Safety Officials.* Chapter 58 (SB 199)** establishes a five-member legislative committee to assess the need for, and adequacy of, training for public safety officials to respond to persons with mental illness. The committee is to file its report by November 1, 2009. **E.D. May 22, 2009.**

***Scholarships for Children of Firefighters and Police Officers Who Died While Performing Their Duties.* Chapter 76 (HB 225)** establishes a nonlapsing “room and board” scholarship fund for children of firefighters and police officers who died while performing their duties, to be underwritten by gifts, grants and donations. Children (under the age of 25) whose tuition has been waived under existing current law will now be able to apply for room and board scholarships to the extent funds are available. **E.D. August 8, 2009.**

***Enforcement of Animal Abuse Laws.* Chapter 123 (HB 247)** removes primary enforcement authority for animal abuse and related laws from the state veterinarian and instead provides that complaints shall initially be filed with the local law enforcement agency, animal control officer, state police or sheriff, depending on who has jurisdiction. At the request of the primary enforcement authority, the state veterinarian will assist in a secondary capacity in enforcing the laws and investigating complaints. **E.D. August 21, 2009.**

***Building Permit Fees and Studying Manufactured Housing.* Chapter 175 (HB 187)** allows the state fire marshal, in the absence of local municipal building inspectors, to charge fees for issuing building permits. Any fees so collected will be deposited into the fire standards and training and emergency medical services fund. It also creates a legislative and executive branch committee to study regulation of the sale and installation of manufactured and modular housing. Directed to review similar Maine statutes and regulations, the committee must report its findings not later than November 1, 2009. **E.D. July 13, 2009.**

***Enforcement of Local Ordinances.* Chapter 270 (HB 86)** gives municipalities more options for enforcing local ordinances. First, it allows a municipality to establish, by ordinance adopted by the legislative body, a system for the administrative enforcement of violations, to be used prior to the service of a formal summons and complaint. The system may be administered by a police department or other municipal agency, and may include opportunities to pay penalties by mail.

Apart from that procedure, the law establishes a plea-by-mail system for the enforcement of local ordinances, under which a local official with authority to prosecute offenses may issue and serve a local ordinance citation, in addition to a summons to appear in district court. The defendant may plead guilty or nolo contendere by mail or may choose to appear in court to contest the citation. This system may be used regardless of whether a municipality adopts a system for administrative enforcement as described above.

The chapter also clarifies that municipalities may create fines for violations related to garbage and other waste materials and for violations of housing codes, and may establish procedures for enforcement of such violations and collection of penalties. **E.D. January 1, 2010.**

Missing Persons Alert System. Chapter 279 (HB 279) establishes an alert system for missing persons with developmental disabilities and missing senior citizens age 55 or older with a verified mental impairment. Modeled on the nationwide “Amber Alert” system established for missing children, the chapter requires local law enforcement agencies receiving reports of a missing person to verify the person’s impairments before notifying Department of Safety (DOS). The department then confirms the accuracy of the information before alerting participating media outlets such as radio and television stations. Alerts will be cancelled after DOS is notified that the person has been found. **E.D. July 1, 2010.**

Inspection of Public Buildings for Compliance with Accessibility Standards. Chapter 285 (HB 530) requires that all new construction, renovation and alteration of public buildings after July 1, 2010 be certified as complying with state building code accessibility standards. The chapter requires contractors to obtain certification that drawings for and completion of such new construction, renovation or alteration comply with those access standards.

The chapter also gives enforcement authority to the Disability Rights Center (DRC), a statewide organization “authorized by federal statute” and “independent from state government or service providers.” The DRC may require buildings it believes to be non-compliant to come into compliance within

270 days of giving notice to the building’s owner. The DRC may also bring action on behalf of any individual with a physical impairment who is “adversely affected” by an alleged failure to comply. If the DRC prevails in any such action, the chapter requires that it be awarded court costs and reasonable attorney’s fees. In the chapter, the term “prevails” is defined as including a “judgment by the court, a consent decree or instances where owners agree to make some or all of the requested changes after the filing date of the action.”

Finally, the chapter allows licensed architects, professional engineers, certified building officials and master code officials to “self-certify” compliance. However, any other person engaged in the business of certifying building plans and/or inspecting buildings is required to pass an International Code Council examination covering the accessibility standards in the state building code. Such persons are also required to complete two hours of continuing education every three years. **E.D. January 1, 2010.**

VII. PUBLIC WORKS; ROADS AND HIGHWAYS; SPEED LIMITS; AIRPORTS; RAILS

Public Works Employee Memorial. Chapter 109 (HB 608) commissions a memorial to commemorate public works employees killed while performing public works duties on behalf of the state or local government. It also establishes a standing committee to oversee its location, design and construction as well as privately raise and expend all necessary funds and gives the Governor authority to accept gifts and donations on the committee’s behalf. Any funds remaining following construction are to be used by the committee for maintenance. NHMA is to appoint a committee member. **E.D. August 14, 2009.**

Electronic Submission of Vehicle Emissions Data. Chapter 124 (HB 273) permanently exempts municipal and county inspection stations from the obligation to transmit vehicle emissions data electronically to the Departments of Safety and Environmental Services. It effectively eliminates the requirement for municipal and county inspection

stations to lease, on an annual basis, computers and testing equipment that enabled the electronic transmission. **E.D. June 22, 2009. NHMA POLICY.**

***Water Treatment Plant Operators and Safe Drinking Water.* Chapter 210 (HB 473)** modifies certain provisions relative to water treatment plant operators and water distribution system personnel contained in RSA 332-E. It also amends RSA 485, the Safe Drinking Water Act, to make it a class B felony to purposely or knowingly place or leave near a domestic water supply source any substance that may pollute the drinking water. It also increases to a class B felony the purposeful or knowing violation of any provision, rule, condition of approval, exemption, variance, or order issued under RSA 485, or any misstatement of a material fact required to be disclosed under the statute. **E.D. January 1, 2010.**

***Outdoor Lighting Efficiency.* Chapter 212 (HB 585)** forbids the use of state funds for the installation or replacement of permanent outdoor lighting unless it meets certain new illumination and energy-efficient specifications. In the absence of a waiver from a municipality, it also forbids regulated utilities from installing or replacing any outdoor lighting paid for by municipal funds that does not meet those same specifications. **Chapter 212** also establishes the “New Hampshire Dark Sky Policy” to encourage municipalities to enact local ordinances and regulations designed to conserve energy consumed by outdoor lighting, to minimize light pollution and glare and preserve dark skies as a feature of rural character “wherever practicable.” The chapter directs the Public Utilities Commission to develop a “revenue neutral” rate for “part-time or midnight” service for un-metered street or area lighting, enabling municipalities to shut off street or area lighting during some portion of the night in order to save money. **E.D. September 13, 2009.**

***Removal of Beaver Dams; Installation of Beaver Pipes and Fences.* Chapter 257 (SB 124)** amends the authority of municipal officials and others under RSA 210:9, II, regarding removal of beaver dams, to authorize the installation of beaver pipes and fences. It also allows beaver dam removal without an excavating and dredging permit under RSA 482-A if machinery does not enter the water and filling or dredging does

not occur in or adjacent to surface water, wetlands or their banks. **E.D. September 14, 2009.**

***Utility Tree Trimming.* Chapter 267 (SB 195)** amends current law and directs electric and telephone utility companies to notify landowners 45 days in advance of any scheduled, non-emergency tree-trimming activities that are planned to take place in the public rights of way. Should a landowner fail to object to such trimming within the 45-day notice period, utilities are permitted to perform the scheduled work. In the event a landowner does object, the chapter allows the utility to petition the selectmen to permit the trimming or removal and to determine whether the trimming or removal would warrant damages being paid to the owner. Finally, the chapter permits utility companies to remove trees in the public rights of way deemed to pose an unreasonable danger either to the traveling public or to the “reliability of equipment installed at or upon [duly licensed] utility facilities.” **E.D. September 14, 2009.**

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

***Application of the Land Use Change Tax to Cluster Developments.* Chapter 84 (HB 424)** clarifies the timing of the assessment of the land use change tax on cluster developments, so as to assess the tax as individual lots or sites are developed rather than at the time any portion of the development area is physically changed. **E.D. July 1, 2009.**

***Quorum Requirement for BTLA.* Chapter 102 (HB 476)** modifies the quorum requirements for hearings and decisions of the Board of Tax and Land Appeals (BTLA). The existing provision that allows the board to sit with a quorum of two for abatement appeals under RSA 76:16-a is expanded to apply to all taxation and eminent domain matters. In all other matters, a quorum comprising a majority of the board is still needed to transact business, but the new law eliminates the provision requiring the concurrence of a majority of the board to make any decision. The law also eliminates the requirement that 90 percent of the filing fees collected by the BTLA under the eminent

domain procedure act be credited to the highway fund. **E.D. June 15, 2009.**

Payments in Lieu of Taxes for State-Acquired Dams. **Chapter 112 (HB 674)** amends RSA 481:14 dealing with payments in lieu of taxes (PILOTs) for property acquired for dam maintenance or construction purposes. PILOTs will continue to be paid to those municipalities which received such payments from DES as of December 31, 2008. However, PILOTs will not be paid on such property acquired in the future. **E.D. August 14, 2009.**

Farm Tax Technical Corrections. **Chapter 119 (HB 107)** makes several technical corrections to RSA 79-F, relative to the taxation of farm structures and the land under farm structures, which was adopted in 2008. **E.D. August 21, 2009.**

Assessing Standards Board Updated Authority. **Chapter 228 (HB 167)** amends RSA 21-J:14-b, relative to the powers and duties of the Assessing Standards Board (ASB) to update the reference to the Uniform Standards of Professional Appraisal Practices (USPAP) standards used to establish revaluation guidelines, and to make clear that revocation and suspension are not the only disciplinary sanctions that may be imposed for improper conduct. **E.D. September 14, 2009.**

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

Delayed Effective Date for Workforce Housing Law. **Chapter 157 (HB 321)** delays until January 1, 2010, the effective date of Chapter 299 (SB 342) of the 2008 laws, which established workforce housing requirements for municipalities that exercise land use regulation authority. The law previously was scheduled to take effect on July 1 of this year. **E.D. July 8, 2009.**

Confidentiality of Library Records and Funding Sources for Law Library Revolving Fund. **Chapter 273 (HB 157)** extends the requirement for the confidential treatment by libraries to “records of materials that have been viewed or stored in electronic form.” **E.D. July 29, 2009.**

X. UTILITIES

Broadband Technology Planning and Development. **Chapter 197 (SB 159)** creates the position of Director of Broadband Technology, Planning and Development in the Division of Economic Development at DRED. The director’s duties will include: coordinating state telecommunications policy planning initiatives, maintaining a state website, working with (and serving as a member of) the state Telecommunications Planning and Development Advisory Committee created nearly a decade ago, encouraging and facilitating collaboration between public and private entities’ efforts, developing and implementing a comprehensive broadband plan for the state, and recruiting and retaining high technology companies. Filling the newly created position is contingent upon receipt of grants or federal funds. **E.D. July 13, 2009.**

North Country Transmission Capacity Expansion Commission. **Chapter 248 (SB 85)** expands the membership and duties of the North Country Transmission Capacity Expansion Commission, created in 2008. The commission was charged with developing a plan for the expansion of transmission capacity in the North Country in order to accommodate an expected growth in renewable energy projects. Because the regional transmission system operator declined to include the cost of such expansion in regional electricity costs, this year’s law directs the commission to seek federal funding to upgrade the existing 115 kilovolt transmission loop in Coos County. It also charges the commission with developing a method of sharing costs of any upgrade not funded with federal dollars that will otherwise have to be passed on to New Hampshire ratepayers. **E.D. July 16, 2009.**

Utility Tree Trimming. **Chapter 267 (SB 195)** amends current law and directs electric and telephone utility companies to notify landowners 45 days in advance of any scheduled, non-emergency tree-trimming activities that are planned to take place in the public rights of way. Should a landowner fail to object to such trimming within the 45-day notice period, utilities are permitted to perform the scheduled work. In the event a landowner does object, the chapter allows the utility to petition the selectmen

to permit the trimming or removal and to determine whether the trimming or removal would warrant damages being paid to the owner. Finally, the chapter permits utility companies to remove trees in the public rights of way deemed to pose an unreasonable danger either to the traveling public or to the “reliability of equipment installed at or upon [duly licensed] utility facilities.” **E.D. September 14, 2009.**

Nashua Public Works Retirement System. Chapter 264 (SB 187) provides that the rules, regulations, and policies adopted by the Board of Trustees of the Nashua Public Works Retirement System shall include the rate of employee contributions to the system, the member retirement eligibility, the amount of the retirement benefit, and the termination of any such benefit. It also provides that all rules, regulations, and policies must be approved by the city’s governing body. **E.D. July 16, 2009.**

XI. SPECIAL ACTS

Woodsville Fire District and West Ossipee Fire Precinct. Chapter 147 (SB 75) changes the formula for the apportionment of highway funds between the Town of Haverhill and the Woodsville Fire District. The chapter also designates the West Ossipee Fire Precinct as a village district under RSA 52 and legalizes, ratifies and confirms the bond article passed at the January 10, 2009 annual meeting. **E.D. June 30, 2009.**

Manchester Employees’ Contributory Retirement System. Chapter 151 (HB 149) authorizes a lump sum distribution of accumulated contributions plus interest for certain members of the Manchester Employees’ Contributory Retirement System. **E.D. July 8, 2009.**

Where to Obtain Copies of 2009 Laws

Legislators. 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.

The Internet. Access at: http://www.gencourt.state.nh.us/bill_status/Misc/Chaptered_final_version.aspx.

(These chapters can be obtained at no charge.)

Glossary

E.D. – Effective Date

HB – House Bill

SB – Senate Bill

SCHEDULE OF STATE AID TO CITIES

AID BY CATEGORY		FY 2006 Actual	FY 2007 Actual	FY 2008 Actual
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EDUCATION				
1	Building Aid	37,770,926	41,735,035	46,487,244
2	Adequate Education Aid	836,204,501	836,147,136	890,426,556
3	Court Ordered Placements	3,468,627	2,578,967	1,379,288
4	Driver Education	1,681,172	1,659,150	1,599,575
5	Dropout Prevention	246,032	297,176	956,918
6	Foundation Aid	-	-	-
7	Kindergarten Aid	567,600	750,000	850,800
8	Kindergarten Construction Aid	208,469	2,402,060	1,131,221
9	Local Education Improvement	90,268	427,535	366,419
10	Reading Recovery	341,780	342,035	318,306
11	Retirement Normal Contribution - Teachers ¹	-	18,588,116	30,196,769
12	School Breakfast ²	-	85,890	87,967
13	School Lunch	832,003	832,003	832,003
14	Special Education	28,355,251	30,442,213	32,012,334
15	State Revenue Sharing - District Allocation	-	-	-
16	Tuition and Transportation	5,159,555	5,393,771	6,552,172
Education Total		914,926,184	941,681,087	1,013,197,572

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ENVIRONMENTAL				
17	Flood Control	729,712	729,712	912,884
18	Landfill Closure Grants	2,067,751	2,030,802	1,944,036
19	Public Water System Grants	1,484,582	1,741,982	1,494,664
20	State Aid Grants - Pollution Control	11,826,356	12,195,029	10,820,000
21	Water Supply Land Protection Grants	577,301	373,750	1,398,942
Environment Total		16,685,702	17,071,275	16,570,526

OTHER GENERAL FUNDS				
22	Meals & Rooms Distribution	47,104,777	50,903,052	55,513,020
23	Railroad Tax ³	127,218	46,520	101,460
24	State Revenue Sharing	25,216,057	25,216,054	25,216,054
	less: District Allocation	-	-	-
	Net State Revenue Sharing	25,216,057	25,216,054	25,216,054
25	Retirement Normal Contribution ¹	32,917,007	35,091,224	50,229,497
	less: Teacher Normal Contribution	-	18,588,116	30,196,769
	Net Retirement Normal Contribution	32,917,007	16,503,108	20,032,728
Other General Funds Total		105,365,059	92,668,734	100,863,262

HIGHWAY FUNDS				
26	Block Grants	28,819,381	28,456,617	29,600,000

GRAND TOTAL		1,065,796,326	1,079,877,713	1,160,231,360
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S, TOWNS AND SCHOOL DISTRICTS

FY 2009 Budget	FY 2010 Budget	FY 2011 Budget
	Committee of Conference	Committee of Conference
44,068,069	44,943,448	46,260,234
890,360,565	940,762,976	940,597,142
1,000,000	1,500,000	1,500,000
2,313,380	1,900,000	2,000,000
1,750,000	1,750,000	1,750,000
-	-	-
957,600	3,677,700	3,677,700
-	3,600,000	-
500,000	485,000	500,000
400,000	1	1
32,072,981	-	-
200,000	194,000	200,000
832,003	832,003	832,003
34,587,167	30,858,454	31,730,117
-	-	-
8,055,689	7,329,018	7,555,689
1,017,097,454	1,037,832,600	1,036,602,886

751,603	775,000	775,000
2,000,000	1,020,234	943,713
1,368,221	1,276,848	1,208,646
11,500,000	8,375,720	5,471,844
1,000,000	-	-
16,619,824	11,447,802	8,399,203

60,903,053	58,805,057	58,805,057
101,460	101,460	101,460
25,216,057	-	-
-	-	-
25,216,057	-	-
55,554,921	53,784,857	46,837,853
32,072,981	-	-
23,481,940	53,784,857	46,837,853
109,702,510	112,691,374	105,744,370

29,500,000	29,990,000	34,865,141
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1,172,919,788	1,191,961,776	1,185,611,600
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NOTES:

1. Specific amounts distributed to school districts and municipalities are currently available for FY 2007, FY 2008, and FY 2009 only. For FY 2006 and FY 2010 - FY 2011, the teacher contribution is not distinguished from the police and fire contribution.
2. Program established in FY 2007.
3. Amounts for FY 2009 - 2011 are estimates based on FY 2008 actual expenditure.

View state aid for FY 1999 through FY 2011
at the state's General Court website:

[http://www.gencourt.state.nh.us/legislation/2009/
budget2010/cofc/hb1_StateAid.pdf](http://www.gencourt.state.nh.us/legislation/2009/budget2010/cofc/hb1_StateAid.pdf)



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