

New Hampshire Municipal Association 2019-2020 Legislative Policy Positions

General Administration and Governance

Action Policies

1. Postponement of Official Ballot Session of Town Meeting

NHMA SUPPORTS legislation clarifying that the town moderator has authority to postpone the official ballot voting session of town meeting in the event of severe weather or other emergency and establishing clear rules for addressing any practical issues involved in postponing the voting session.

2. Funding for the Police Standards and Training Council

NHMA SUPPORTS the continued operation of the New Hampshire 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. As part of this, **NHMA SUPPORTS** continued funding at the state level for the Police Academy and the Police Standards and Training Council. Local law enforcement agencies produce considerable funds through fines and penalty assessment monies which accrue to the State and are used for State purposes. Further, **NHMA OPPOSES** 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 providing staff and instructors at no cost to the Academy.

3. Absentee Voting Expansion

NHMA SUPPORTS allowing absentee voting without requiring a reason.

4. Electronic Poll Books

NHMA SUPPORTS legislation that would enable the use of electronic poll-books for municipalities, with funding coming from the HAVA funds made available to the New Hampshire 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 supporting legislative changes to statutes to make the use permissible under state laws.

Priority Policies

5. Building Plans Under RSA Chapter 91-A

NHMA SUPPORTS 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.

6. Municipal Regulation of Firearms

NHMA SUPPORTS legislation that would allow for limited local authority regarding firearms on municipal property, as follows:

- Legislation that would allow municipalities to regulate or limit the use of firearms on municipal property.
- Legislation that would allow municipalities to regulate the carrying of firearms by employees while they are performing the functions of their office or employment.

7. Welfare Lien Priority

NHMA SUPPORTS 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.

8. Municipal Departments and MV Information

NHMA SUPPORTS 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 Policies

9. SB 2 Adoption Process

NHMA SUPPORTS amending RSA 40:14, III, regarding adoption of the official ballot referendum (SB 2) form of town meeting, to provide that the question shall be voted on by ballot at the annual meeting, but shall not be placed on the official ballot.

10. Allowing Towns to Adopt Ordinances Under City Statutes

NHMA SUPPORTS legislation giving towns the same authority to adopt ordinances that cities have under RSA 47:17.

11. Public Area “No Smoking” Local Option

NHMA SUPPORTS legislation to authorize the designation of “No Smoking” zones in public areas by local option.

12. Public Notice Requirements

NHMA SUPPORTS 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.

13. Appointment of Town Clerks or Town Clerk/Tax Collectors

Legislative Body: NHMA SUPPORTS legislation to allow the legislative body to authorize the governing body to appoint town clerks and town clerk/tax collectors.

Charter Towns: NHMA SUPPORTS legislation allowing towns that have adopted a charter under RSA chapter 49-D to determine how the town will choose its town clerk.

14. Consolidated Policy on Collective Bargaining Items

Evergreen Clause: NHMA OPPOSES legislation to enact a mandatory so-called “evergreen clause” for public employee collective bargaining agreements.

Binding Arbitration: NHMA OPPOSES mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining.

Right to Strike: NHMA OPPOSES a right to strike for public employees.

Mandated Employee Benefits: NHMA OPPOSES any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years, for current or future employees.

Contracted Services: NHMA SUPPORTS legislation to give public employers greater flexibility to privatize or use contracted services.

15. Maintenance and Policing of State-Owned Property

NHMA SUPPORTS legislation requiring the State to maintain and adequately support operations on state properties so those properties do not place undue burdens on the host municipalities. This would include legislation

- to enable municipalities to recover expenses of providing municipal services on state-owned property, such as policing relative to illegal activities and allowing municipalities to receive reimbursement/compensation from individuals engaged in the illegal activity; and
- to require the state to adequately maintain its property, including the removal/remediation of abandoned, deficient, hazardous, or blighted structures/facilities.

16. Independent Redistricting Commission

NHMA SUPPORTS the establishment of an independent redistricting commission for the appointment of representative, senatorial, executive council, and congressional districts.

Finance and Revenue

Action Policies

1. Use of RSA 83-F Utility Values

NHMA:

- a) **SUPPORTS** legislation that clarifies, under RSA 83-F, that no determination of utility value by the Department of Revenue Administration can be 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;
- b) **OPPOSES** any mandate that calls for the exclusive use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action; and
- c) **SUPPORTS** the continuing right of municipalities to use any method of appraisal upheld by the courts.

2. New Hampshire Retirement System (NHRS)

NHMA SUPPORTS 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, **NHMA SUPPORTS** 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 and 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;
- 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; and
- e) **OPPOSES** any action to further restrict municipalities' ability to employ NHRS retirees in part-time positions, either through hours restrictions or through imposition of new fees/costs.

3. Expansion of Local Authority to Institute Fees

NHMA SUPPORTS legislation that allows a municipality to exercise local control of non-property tax revenue streams with local legislative body approval to meet demands for services and/or infrastructure. Examples of such legislation may include such actions as: (a) allowing a municipal to adopt an additional surcharge under the meals and rooms tax on hotel occupancy within the municipality; and (b) allowing a municipality to increase the maximum optional fee for transportation improvements when collecting motor vehicle registration fees.

4. Lower Interest Rate for Abatements

NHMA SUPPORTS legislation to lower the abatement interest rate that municipalities pay from 6 percent to 4 percent or less (RSA 76:17-a) to better align it with the interest rates on delinquent taxes that were lowered by the legislature in 2018.

Priority Policies

5. Enforcement of Motor Vehicle Registration Laws

NHMA SUPPORTS amending motor vehicle registration laws to strengthen the enforcement of those laws (through stepping up law enforcement and increasing penalties, including fines) to ensure collection of all state and local registration fees owed by New Hampshire residents.

6. Lien for Uncollected Ambulance/EMS Billings

NHMA SUPPORTS legislation to ensure the collection of unpaid bills for ambulance and other emergency services.

7. Ownership Name Changes

NHMA SUPPORTS legislation requiring entities to file name changes and ownership changes at the registry of deeds to ensure that property taxes are assessed to the proper owner.

8. Collection of Delinquent Taxes on Manufactured Housing

NHMA SUPPORTS 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.

9. Tax Exemptions for Charitable Organizations

NHMA SUPPORTS creating a commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects under RSA 72:23-k, and **SUPPORTS** reimbursement from the state for the costs of municipal services provided to state-owned properties.

10. Clarification of Elderly Exemption, Prorating Disabled, Deaf and Blind Exemptions

NHMA SUPPORTS:

- a) Changes in RSA 72:39-a, 72:39-b, 72:37-b, and 72:38-b to define “net income” for elderly/disabled/deaf exemption qualification to include the income of the applicant and the income of any adult members of the applicant’s family who reside at the property; and
- b) 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.

Standing Policies

11. Assessment Methodology for Big Box Stores

NHMA SUPPORTS legislation clarifying the assessment methodology for big box stores if used and occupied for the purpose for which they were built. This methodology would not employ comparisons to “dark store” properties abandoned or encumbered with deed restrictions on subsequent use.

12. Income Approach on Appeal

NHMA SUPPORTS legislation that prohibits the use of the income approach by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information.

13. Charitable Definition and Mandated Property Tax Exemptions

NHMA OPPOSES legislation that expands the definition of “charitable” in RSA 72:23-/, unless the state reimburses municipalities for the loss of revenue.

14. Sale of Tax Deeded Property

NHMA SUPPORTS 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.

15. State Revenue Structure and State Education Funding

NHMA SUPPORTS 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:

- That revenues are sufficient to meet the state’s responsibilities as defined by constitution, statute, and common law;

- That revenue sources are predictable, stable, and sustainable and will meet the long-term needs and financial realities of the state;
- That changes to the revenue structure are least disruptive to the long-term economic health of the state;
- That the revenue structure is efficient in its administration;
- That changes in the revenue structure are fair to people with lower to moderate incomes.

Further, **NHMA SUPPORTS** legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given.

16. Changes to the Official Ballot Process and Default Budget

NHMA OPPOSES changes to the official ballot process (SB2) including changes to the calculation of the default budget, unless such changes are a local option presented to the legislative body for approval.

Infrastructure, Development and Land Use

Action Policies

1. Municipal Use of Structures in the Right-of-Way

NHMA SUPPORTS legislation granting municipalities a designated space to use for any purpose, including leasing to a private entity, upon all poles, conduit, and other structures within the rights-of-way without paying make-ready costs. This includes a requirement that the owners of utility poles and conduit do the necessary work to make that space available.

2. Municipal Authority to Adopt More Recent Codes

NHMA SUPPORTS legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions.

3. Municipal Cooperation

NHMA SUPPORTS 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.

4. Regulation of Short-Term Rentals

NHMA SUPPORTS legislation authorizing municipalities to regulate short-term rental of residential properties, including licensing requirements and health and safety protections. This should not be interpreted to limit existing authority to regulate such uses through municipal zoning ordinances and land use regulations.

Priority Policies

5. Highway Funding

NHMA SUPPORTS a state transportation policy that ensures adequate and sustainable funding for state and municipal highways and bridges to promote safe and reliable transportation and corridors and economic development for the citizens of our state and for the travelling public. The policy should include:

- Maintenance of the proportionate share of the state highway fund that is distributed to cities and towns under current law;
- Elimination of the diversion of state highway funds for non-highway purposes; and
- Increased transportation funding.

6. Water Quality and Infrastructure

NHMA SUPPORTS legislation that ensures adequate and sustainable investment to maintain or make necessary improvements to the state's critical water infrastructure (public drinking water, wastewater, and stormwater systems, and dams); that works to provide affordable water, wastewater, and stormwater services; that encourages regional and innovative solutions to water, wastewater, and stormwater issues; that supports decisions that rely on science-based standards; that supports local decision making; and that supports economic progress in the state while protecting public health and safety.

7. State Adoption of Building and Fire Codes

NHMA SUPPORTS a policy encouraging the state to: (1) adopt updated editions of national/international building and fire codes; (2) streamline the code adoption process while facilitating examination of changes that benefit the state economy; (3) encourage training opportunities for local code enforcement personnel.

Standing Policies

8. Current Use

NHMA OPPOSES any legislative attempt to undermine the basic goals of the current use program and **OPPOSES** 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.

9. Scientific/Technical Standards for Regulatory Legislation

NHMA OPPOSES regulatory legislation that is not based on relevant scientific and technical standards that are broadly accepted by peer review and feasibly achieved.

10. Land Use and Environmental Regulation and Preemption

NHMA SUPPORTS 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.

11. Energy, Renewable Energy and Energy Conservation

NHMA SUPPORTS 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.

12. Oppose Statewide Zoning Mandates

NHMA SUPPORTS a policy recognizing the legislature's authority to establish statewide priorities in zoning and land use regulation, but **OPPOSES** legislation that limits reasonable local control in implementing those priorities, or that unreasonably mandates specific criteria that municipalities must follow.

13. Conservation Investment

NHMA SUPPORTS permanent funding for the Land and Community Heritage Investment Program and **OPPOSES** any diversion of such funds to other uses.

14. Regulation of Lawn Watering

NHMA SUPPORTS legislation that would allow municipalities to regulate the use of outdoor lawn watering on all properties.

15. SEC Jurisdiction Over Municipal Roads

NHMA SUPPORTS legislation clarifying that the Site Evaluation Committee does not have jurisdiction over the use of municipal roads by merchant utility projects.