

**CITY COUNCIL MEETING**

**AGENDA ITEM VIII**



**CITY OF FRANKLIN  
COUNCIL AGENDA REPORT**  
*City Council meeting August 2016*

**From:** Elizabeth Dragon – City Manager

**Subject:** City Council to consider review 2017-2018 Legislative Policy recommendations

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***Recommended Motion: "I move that the Franklin City Council support the 2017-2018 NHMA Legislative Policies"***

1. Mayor calls for a second, discussion, and the vote.
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**Background:**

NHMA's legislative policies originate with its members and its legislative policy committees. These committees consist of elected and appointed local officials who represent all regions of the state, and all sizes of towns and cities.

In the spring before each new legislative biennium, NHMA solicits legislative policy proposals from member municipalities. The three policy committees review these proposals and make recommendations to NHMA's Legislative Policy Conference, held during the fall of the same year. The governing body of any member municipality may also submit a floor policy for consideration at the conference.

The Legislative Policy Conference is held in September of even-numbered years at the NHMA offices (25 Triangle Park Drive, Concord). Every NHMA member, regardless of size, is entitled to one vote at the conference. I attend this meeting and carry the vote of the council.

Legislative Policies adopted at the Conference guide the actions of the Government Affairs staff in addressing legislation during the ensuing legislative biennium. For the highest-priority policies—identified by the Legislative Policy Conference as action policies—the Government Affairs staff will draft legislation to implement the policies, identify and work with sponsors to introduce the bills, and support them through the legislative process.

NHMA also uses a set of guiding Legislative Principles, which are reviewed and reaffirmed as appropriate by the Legislative Policy Conference, to develop positions on legislation that has not been expressly addressed in the adopted Policy Positions. Examples of legislative principles include: opposing unfunded mandates; working to maintain existing revenue streams to municipalities; and advocating to maintain existing local authority.

During the legislative session, the Government Affairs staff regularly reports to the NHMA Board on legislative developments. During any legislative session, new issues may arise which were not contemplated by the current Policy Positions. The Board has the authority to establish legislative policy positions between Legislative Policy Conferences, in order to provide timely, continuing guidance to the Government Affairs staff.



## Memorandum

**TO:** All NHMA Members

**FROM:** Judy Silva, Executive Director  
Cordell A. Johnston, Government Affairs Counsel

**DATE:** June 20, 2016

**RE:** 2017-2018 Legislative Policy Process *Important Dates!*

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**FLOOR POLICIES DUE: August 12** ♦ **POLICY CONFERENCE: September 23**

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The NHMA legislative policy process is moving forward! Enclosed with this memo is a copy of the policy recommendations made by NHMA's three policy committees. This document will also be posted on NHMA's website, [www.nhmunicipal.org](http://www.nhmunicipal.org).

The policy recommendations are listed by committee: (1) General Administration and Governance; (2) Finance and Revenue; and (3) Infrastructure, Development, and Land Use. Each committee's recommendations are listed in order of priority, as "action," "priority," or "standing" policy recommendations. Also enclosed is a list of NHMA's Legislative Principles, which will be considered for re-adoption at the Legislative Policy Conference, along with the recommended policies.

***We urge each municipality's governing body, prior to the Legislative Policy Conference, to vote a position on the recommendations and floor proposals (see reverse) to provide direction to your voting delegate at the Conference.*** Otherwise, your delegate is free to cast your municipality's vote as he or she chooses. For more information about the legislative policy process and the Policy Conference, please see the enclosed Questions and Answers document.

## **Floor Proposals**

The deadline for submitting floor proposals is **Friday, August 12**. A floor proposal will be accepted only if it is ***approved by a majority vote of the governing body*** (Board of Selectmen, Aldermen, or Council) of the town or city submitting the proposal, is submitted in writing, and is received **no later than August 12**. We will mail all floor proposals to each municipality so there will be an opportunity to take a position on them before the Policy Conference. Floor proposals should be in the same format as proposals submitted to the policy committees.

A Floor Policy Proposal form has been included for your convenience, or you may find it on the NHMA website. (Go to [www.nhmunicipal.org](http://www.nhmunicipal.org), click on "Advocacy," then "Policy-Setting Process," then "Download 2017-2018 Floor Policy Proposal Form.") To submit a floor proposal, please send it to NHMA, 25 Triangle Park Drive, Concord, NH 03301, fax it to 224-5406, or e-mail it to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org).

## **Legislative Policy Conference**

The 2017-2018 Legislative Policy Conference is scheduled for **Friday, September 23, 2016, at 9:00 a.m. at NHMA's office, 25 Triangle Park Drive in Concord**. We will include with the floor proposal mailing a card for each town or city to return indicating who has been appointed as the municipality's voting delegate.

Please call the Government Affairs Department at 800-852-3358, ext. 3408, if you have any questions.



**New Hampshire Municipal Association  
2017-2018 Legislative Policy Process**

**Floor Policy Proposal**

Submitted by (name) \_\_\_\_\_ Date \_\_\_\_\_

City or Town \_\_\_\_\_ Title of Person Submitting Policy \_\_\_\_\_

Floor Policy Proposal approved by vote of the governing body on (date) \_\_\_\_\_

To see if NHMA will SUPPORT/OPPOSE:

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Municipal interest to be accomplished by proposal:

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Explanation:

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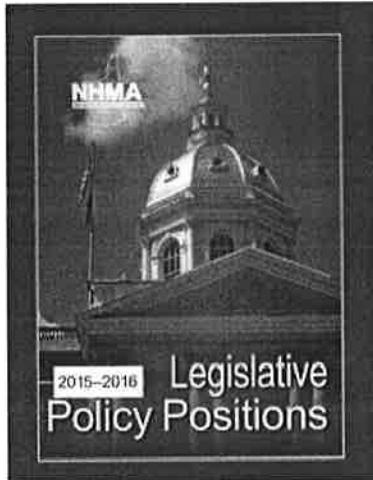
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A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; or email to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org). **Must be received by August 12, 2016.**

## Corrections to NHMA's Legislative Policy Recommendations



The Final Policy Recommendations for NHMA's legislative policy process that were sent to all members on June 20 contained two small but significant errors, which were discovered by a couple of alert local officials.

1) On page 6, recommendation no. 12 ("Charitable Definition and Mandated Property Tax Exemptions") should begin, "To see if NHMA will OPPOSE [not "support"] legislation that expands the definition of 'charitable' . . . ."

2) On page 11, recommendation no. 21 ("Current Use") should begin, "To see if NHMA will OPPOSE [not "support"] any legislative attempt to undermine the goals . . . ."

We apologize for the mistakes and any confusion they may have caused. The corrections have been made in the official document on our website, which is available [here](#).

# 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.



## Legislative Principles

In addition to the established Legislative Policy positions adopted by the New Hampshire Municipal Association membership, the following principles should guide staff in setting priorities during any legislative biennium:

1. Consider unfunded mandate issues that violate Part 1, Article 28-a of the New Hampshire Constitution to be paramount. Identify them and oppose them.
2. Work to maintain existing revenue streams to municipalities, (i.e. revenue sharing, meals and rooms tax, highway, and other state aid). Be especially watchful of proposals to reduce local aid in order to meet other funding commitments.
3. Advocate to maintain existing local authority.
4. Support issues which provide greater authority to govern more effectively, efficiently and flexibly at the local level, including local option legislation. If the legislature is considering adopting a program that is particularly controversial at the local level, support a requirement that a local legislative body vote is necessary before full implementation of the measure.
5. Support bills proposed by individual municipal members, except when they conflict with these principles or other NHMA policies. Staff should prioritize time and resources when there are competing demands in order to focus on NHMA's broad agenda first.
6. Encourage exemptions from state taxes rather than local property taxes when legislative intent is to preserve statewide resources.
7. Advocate for municipal representation on all state boards, commissions, and study committees which affect municipal government and have non-legislative members.
8. Work cooperatively with other groups and associations to support efforts to improve the delivery of services at the local level.
9. Support municipal efforts toward effective regional cooperation and delivery of municipal services.
10. Support efforts to develop a statewide technology network that fosters increased communication and greater compatibility among levels of government and within and between agencies in all levels of government.



**New Hampshire Municipal Association  
2017-2018 Legislative Policy Process**

**Floor Policy Proposal**

Submitted by (name) \_\_\_\_\_ Date \_\_\_\_\_

City or Town \_\_\_\_\_ Title of Person Submitting Policy \_\_\_\_\_

Floor Policy Proposal approved by vote of the governing body on (date) \_\_\_\_\_

To see if NHMA will SUPPORT/OPPOSE:

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Municipal interest to be accomplished by proposal:

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Explanation:

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A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Fax to 224-5406; mail to 25 Triangle Park Drive, Concord, NH 03301; or email to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org). **Must be received by August 12, 2016.**

## 2017-2018 NHMA Legislative Policy Process Questions & Answers

**1. What is the purpose of establishing NHMA legislative policy?** The New Hampshire Municipal Association (NHMA) is the voice of New Hampshire's cities and towns before the state legislature and state agencies. Adoption of legislative policy allows your municipal voice to be heard through the actions of your organization – NHMA. By adopting legislative policy, local officials can tell elected representatives what they feel are the major concerns of cities and towns.

The NHMA Board of Directors oversees NHMA's advocacy activities. Legislative policy positions direct the board and NHMA staff in representing municipalities before the legislature and state agencies.

**2. How are legislative policy recommendations prepared?** In the spring of each even-numbered year, NHMA forms legislative policy committees addressing different aspects of municipal government. The three committees this year are:

1. Finance and Revenue;
2. General Administration and Governance; and
3. Infrastructure, Development, and Land Use.

These three policy committees consider issues and problems derived from their own experience as local officials, issues sent in by other members or brought to them by staff, past policy positions, and issues resulting from the most recent legislative session. Each committee holds several meetings during the spring and develops policy recommendations to be voted on by member municipalities at the Legislative Policy Conference.

**3. Who votes on adoption, amendment, or rejection of these recommendations, and when?** On Friday, September 23, 2016, at 9:00 a.m., the 2017-2018 NHMA Legislative Policy Conference will be held at NHMA offices (25 Triangle Park Drive) in Concord. ***Each member municipality will be asked to appoint a voting delegate to cast its vote at this conference.*** Each member municipality, regardless of size, has one vote on all policy matters.

In the absence of any other designation by the Board of Selectmen, Aldermen, or Council, a voting delegate card will be issued at the door (in order of priority determined by the NHMA Municipal Officials Directory) to:

Mayor/Chair of Board of Selectmen/Council Chair

**OR**

Mayor Pro Tem/Vice or Assistant Mayor/Council Vice Chair

**OR**

Selectman/Alderman/Councilor

**OR**

City or Town Manager/Administrative Assistant

**4. Will other policy proposals be voted on at the conference?** Yes, municipalities will have the opportunity to submit floor policy proposals for consideration at the conference. Each floor policy proposal must be approved by the governing body of the municipality submitting it, but the

proposals will not be reviewed or recommended by NHMA's legislative policy committees. Floor policy proposals will be voted on separately at the conference.

**5. How does our voting delegate determine a position on these recommendations?** We urge each municipality's governing body to discuss the recommendations in advance of the Legislative Policy Conference and vote to take a position on each one, in order to give direction to the voting delegate. Otherwise, your voting delegate is free to cast your municipality's vote as he or she desires. ***You do not need to notify NHMA of your positions on the policy recommendations; just provide that information to your voting delegate.***

**6. How are the policy recommendations presented and voted on at the Legislative Policy Conference?** The chair of the board of directors, as the presiding officer of the Legislative Policy Conference, introduces the entire set of recommendations of each policy committee, one committee at a time, as a slate. The chair and vice chair of each committee will be available to address questions. Any voting delegate may ask that a recommendation be set aside to be debated and voted on separately. The remaining recommendations are voted upon as a slate. When the slate from each policy committee has been voted, the voting delegates will then return to those items set aside for separate debate and vote. It is at this time that individual items can be killed, amended, passed over, laid on the table, etc. Votes are by a display of special voting delegate cards.

**7. Are policies adopted by a simple majority vote?** No. NHMA's by-laws require a two-thirds affirmative vote of those members present and voting for approval of any NHMA legislative policy.

**8. Why is the Legislative Policy Conference separate from the November annual meeting?** The Legislative Policy Conference must be held before the annual conference in order to meet the legislative deadlines for the filing of new bills. The staff needs time after adoption of policies to draft bills and secure sponsors.

**9. How will I know what policies are adopted if I don't go to the Legislative Policy Conference?** The final 2017-2018 NHMA Legislative Policies will be printed as a supplement in the November/December 2016 issue of *Town & City* magazine. We will also post them on NHMA's web site at [www.nhmunicipal.org](http://www.nhmunicipal.org).

**10. What happens if an issue that is not covered by any of these policies comes before the legislature?** The NHMA Board determines the position that the staff will advocate on issues not covered by specific NHMA Legislative Policy. The policy conference also endorses a set of Legislative Principles, which augment the specific legislative policy positions by setting forth general principles that guide staff in their advocacy efforts.