

LEGISLATIVE BULLETIN

Good-Bye and Hello

Many local officials completed their terms of office this week, and some will next week. Whatever the timing, we thank all of you for the time and energy you have devoted to public service, including your work on behalf of NHMA. For those who have never served in local government, it is difficult to appreciate how much work and time are involved, and how thankless the task can be. We hope you will enjoy your time off.

Meanwhile, we enthusiastically welcome all of the new officials. We look forward to working with you in the coming years. Please be sure to let us know the e-mail addresses of the new officials in your town who should receive the *Legislative Bulletin*, so we can provide them with the latest legislative news. You can send address changes to governmentaffairs@nhmunicipal.org. Also, please go into Member Directory Updates in the Member Toolbox section on NHMA's website to update information on all elected and appointed local officials and employees.

Some who are new to local government may not fully appreciate the extent to which state legislation affects what happens at the local level—but you will learn quickly. We hope you will read the *Legislative Bulletin*, get to know your legislators, think about what you can do to influence state policy, and let us know when you have questions or ideas.

House to Vote on SB 2 Adoption

HB 415, the **NHMA policy bill** that would improve the process for a town to adopt the official ballot referendum (SB 2) form of government, was on the House consent calendar this week, but it was pulled from the consent calendar and placed at the end of the regular calendar. Because the House did not get through its agenda, the bill has now been moved to next week's calendar, so the House will likely be voting on it on **Tuesday, March 19**.

Please see our article in [Legislative Bulletin #5](#) for an explanation of the bill and why it is so important. The Municipal and County Government Committee clearly understood the need for it, and recommended passage by an 18-1 vote. ***Please urge your representatives to support the committee recommendation of Ought to Pass.***

Bulletin 12 — 2019 Session
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Surprise Vote to Abolish Fluoride

In one of the most surprising developments in this year's legislature, the House Resources, Recreation and Development Committee voted 16-3 last week to recommend passage of [HB 192](#), which would *prohibit the introduction of fluoride into any public water system in the state*. The committee then voted to put the bill on the consent calendar for next week's House session.

The good news is that we understand the bill is likely to be tabled at the House session. The bad news is that, as has already been demonstrated, no outcome is ever certain.

Bills to ban fluoride have become a perennial exercise in the legislature, and they are always defeated overwhelmingly. From 2011 through 2017, four bills to prohibit or limit the use of fluoride were introduced in the House. All were voted Inexpedient to Legislate in committee, by successive votes of 16-0, 16-0, 16-2, and 19-1, and all were killed by voice votes in the House.

And for good reason. The Centers for Disease Control recommends fluoride in drinking water as the safest, most cost-effective method of preventing tooth decay and overall improvement in oral health. This recommendation is supported by reviews of the latest scientific assessments by the United States Department of Health and Human Services and the Environmental Protection Agency. Apart from enabling municipalities to protect the health of their residents, it helps to reduce municipal welfare budgets. According to the American Dental Association, every dollar invested in water fluoridation saves \$38 in dental treatment costs.

Nor is fluoride some kind of Strangelovean plot to impurify our precious bodily fluids without our knowledge. Under existing law, fluoride may be added to public water supplies only if it is approved by a public referendum—the purest form of local, citizen control. We cannot imagine why state legislators would want to prohibit municipalities from protecting public health *with the consent of the public*.

About 350,000 New Hampshire residents are on public water supplies with fluoride, as are over 210 million people nationwide. This bill would adversely affect residents of **Bedford, Belmont, Concord, Derry, Dover, Durham, Goffstown, Greenland, Hanover, Hooksett, Laconia, Lancaster, Lebanon, Londonderry, Manchester, Madbury, New Castle, Newington, Portsmouth, and Rochester**.

This week's to-do list

- ✓ Ask your representatives to **support HB 415**, NHMA's policy bill that changes the process for a town to adopt SB 2.
- ✓ Ask your representatives to vote to **table or kill HB 192**, which would prohibit fluoride in public water supplies.
- ✓ Contact members of the House Ways & Means Committee and ask them to support **HB 641**, authorizing a local option hotel occupancy fee.
- ✓ Attend the House Finance Committee's budget hearing on Monday, April 18, and/or submit written testimony to the committee.
- ✓ Send us contact information for newly elected local officials and update the member directory on our website.
- ✓ Register for the Right-to-Know Law workshop on March 26 in Derry or April 3 in Berlin, and the Local Officials Workshop on April 10 in Rochester.

(Abolish Fluoride— Continued from Page 2)

As mentioned, **HB 192** will be on the consent calendar for next week's House session, on **Tuesday, March 19**. If it is to be tabled or killed, it will first need to be removed from the consent calendar (which any representative may do). A motion to table would then be in order. Failing that, the committee's recommendation will need to be voted down, to be followed by a vote of Inexpedient to Legislate. ***Please ask your representatives to (1) support a motion to table or, (2) alternatively, vote down the committee recommendation of Ought to Pass and support a subsequent motion of Inexpedient to Legislate.***

Biennial State Budget

On **Monday, March 18, at 1:00 p.m., in Representative Hall at the State House**, the House Finance Committee will hold the last public hearing on **HB 1**, the governor's proposed state operating budget for the period July 1, 2019 – June 30, 2021, and **HB 2**, known as the trailer bill, which contains the statutory changes necessary to implement the biennial budget. We reported in **Bulletin #8** a summary of the municipal items included in and excluded from the governor's proposed budget. The most notable of these are the continued suspension of funding for revenue sharing (**HB 2**, section 43), suspension of the meals and room tax catch-up formula (**HB 2**, section 37) and continuation of the moratorium on funding state aid grants for wastewater projects (**HB 2**, section 44).

In lieu of or in addition to oral testimony, written testimony may be submitted at the public hearing or emailed to the [House Finance Committee members](#). Please remember to send NHMA a copy of any testimony or comments you offer at the public hearing, and contact us at governmentaffairs@nhmunicipal.org with any questions about **HB 1/HB 2**.

April 4 is the last day for the Finance Committee to report the recommended budget to the full House, and subcommittee work is scheduled to be completed by Thursday, March 28, less than two weeks away. We will be monitoring the budget work sessions very closely over the next two weeks and will continue to provide updates as the budget is developed.

Local Option Hotel Occupancy Fee

As we reported in last week's **Bulletin**, **HB 641**, an **NHMA policy bill** that authorizes municipalities to collect a local option occupancy fee of up to \$2 per night for hotel room rentals, passed the House as a policy, but was then sent to the Ways and Means Committee to review any potential impact on state revenues, specifically the 9% meals and rooms tax. As the committee learned, **HB 641** will have no impact on state revenues and places no administrative responsibilities on the Department of Revenue Administration, since the collection process will be handled solely by any municipality that adopts this local option revenue source. The Ways and Means Committee will vote on **HB 641** at an executive session scheduled for **Monday, March 18, at 1:00 p.m.** Municipalities interested in collecting a local option hotel occupancy fee to address the service and infrastructure needs associated with tourism and transient populations are encouraged to contact members of the [House Ways and Means Committee](#) and urge support of **Ought to Pass on HB 641**.

Utility Valuation Bill Goes to House

The House Ways and Means Committee voted 20-0 this week to recommend passage of **HB 700**, the utility valuation bill that we have written about several times. The committee approved an [amendment](#) that replaces all but the “purpose” section of the bill. The bill as amended has the support, or at least the non-opposition, of all interested parties, including NHMA.

The bill now goes to the full House at its session next week. Given the unanimous committee recommendation and the fact that no interested party has expressed opposition, it seems reasonable to expect the House to pass the bill.

Senate Approves Housing Appeals Board

The Senate yesterday passed [SB 306](#), the bill establishing a housing appeals board that we have written about several times, most extensively in [Legislative Bulletin #6](#). The Senate [amended the bill](#) to address the concerns we identified in that article.

The bill now goes to the Senate Finance Committee for further review, because it comes with a \$400,000 appropriation. It will then have to go back to the full Senate for a second vote.

Revenue Sharing Passes and Tabled

Late Thursday night, by a vote of 14-10, the Senate passed [SB 301](#) an **NHMA policy bill** that restores revenue sharing—an estimated **\$37.5 million** in fiscal year 2020 and **\$55.5 million** in fiscal year 2021—to cities and towns, the funding of which is to come from the suspension of business tax rate reductions scheduled to take effect in the next biennium. However, the bill was immediately tabled at the request of the prime sponsor. Please thank the Senators who supported **SB 301**.

Short-Term Rental Bill Re-Referred

The Senate Election Law and Municipal Affairs Committee voted this week to recommend re-referral of [SB 69](#), the **NHMA policy bill** that would authorize municipalities to license short-term rental properties and conduct fire and health inspections of the properties. This means the committee will keep the bill in its possession and (in theory) study it and make a recommendation for next year. In practice, re-referred bills are almost invariably killed.

Unlike the House process for retaining a bill, the committee’s vote is not final—it is a recommendation to the full Senate, which can affirm the re-referral recommendation or take some other action. But any other action is extremely unlikely.

What's Next?

This year's legislative session is nearing the halfway point, and things are moving in several different directions. Yesterday was the deadline for House committees to report all bills that were not going to a second committee. Senate committees have a similar deadline next week. House and Senate deadlines to act on all bills, depending on whether they are in a second committee, are coming up in the next few weeks.

This means that committee hearing activity has subsided, as committees hurry to get their bills out and the full House and Senate work to dispose of all bills. The Senate dealt with over 80 bills in its lengthy session yesterday, and the House will have a marathon, three-day session next week. Soon, however, the Senate will begin hearing bills passed by the House, and *vice versa*. After a couple weeks of very long House and Senate sessions, we will be back to lots of committee hearings in April.

HOUSE CALENDAR

MONDAY, MARCH 18, 2019

FINANCE, Representatives Hall, SH

1:00 p.m. **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2020 and June 30, 2021; **HB 2-FN-A**, relative to state fees, funds, revenues, and expenditures.

SENATE CALENDAR

TUESDAY, MARCH 19, 2019

COMMERCE, Room 100, SH

1:00 p.m. **SB 148**, relative to notification to public employees regarding their right to join or not join a union.

ENERGY AND NATURAL RESOURCES, Room 103, SH

8:45 a.m. **SB 159**, relative to net energy metering limits for customer-generators. **NHMA Policy**.

WEDNESDAY, MARCH 20, 2019

ELECTION LAW AND MUNICIPAL AFFAIRS, Room 102, LOB

10:30 a.m. **SB 103-L**, authorizing municipalities to engage in multi-town bonding projects.

HOUSE FLOOR ACTION

Thursday, March 14, 2019

CACR 10, relating to a state income tax. Providing that revenue from any state income tax shall be returned to the cities, towns, school districts, and counties to assist in property tax relief. **In-expedient to Legislate.**

HB 128, relative to a property tax exemption for disabled veterans. **Passed with Amendment.**

HB 155, relative to procedures for determining and disclosing exculpatory evidence in a police officer's personnel file. **Passed with Amendment.**

HB 178, establishing a minimum wage. **Inexpedient to Legislate.**

HB 186, establishing a state minimum wage and providing for adjustments to the minimum wage. **Passed with Amendment.**

HB 215, requiring the legislative body to approve the appointment of town managers and prohibiting town managers from hiring contractors to perform the duties of town managers. **Inexpedient to Legislate.**

HB 286-LOCAL, relative to free inspection of records under the right-to-know law. **Passed.**

HB 388-LOCAL, requiring code compliance inspection for building permits. **Inexpedient to Legislate.**

HB 391, relative to permits for vehicle registration. **Passed.**

HB 396-FN-LOCAL, relative to delay or denial of records under the right-to-know law. **Passed.**

HB 404, relative to a local option for liquefied natural gas storage facility sitings. **Inexpedient to Legislate.**

HB 406, relative to reporting and investigation of serious injuries and death in the workplace. **Passed.**

HB 469, relative to limiting amendments to warrant articles in towns that have adopted official ballot voting. **Inexpedient to Legislate.**

HB 477-FN, relative to allowance sales under the New Hampshire regional greenhouse gas initiative program. **Inexpedient to Legislate.**

HB 537, relative to the release of motor vehicle records. **Tabled.**

HB 553, relative to the amendment of petitioned warrant articles. **Inexpedient to Legislate.**

HB 592, relative to OHRV operation and license. **Passed.**

HB 635-LOCAL, enabling a payment in lieu of taxes for a combined heat and power agricultural facility. **Passed.**

HB 694-FN, establishing a take-back program for illegal controlled drugs. **Tabled.**

HB 724-FN, relative to certain rights of employees. **Inexpedient to Legislate.**

SENATE FLOOR ACTION

Thursday, March 14, 2019

SB 22, relative to the construction property tax exemption. **Passed with Amendment.**

SB 48, relative to the city chief election officer. **Inexpedient to Legislate.**

SB 74-FN-A, relative to register of deeds fees used to support the land and community heritage investment program (LCHIP). **Passed; referred to F-S.**

SB 84-FN-A, making appropriations to the department of health and human services for homeless services expansion. **Tabled.**

SB 95-FN, establishing a working families property tax refund program. **Re-referred.**

SB 122-FN, relative to expenditures from the energy efficiency fund. **Passed with Amendment.**

SB 134-FN, relative to the administration of the meals and rooms tax. **Passed.**

SB 169, relative to recovery of expenditures from the drinking water and groundwater trust fund. **Passed with Amendment.**

SB 171-FN-A, appropriating money to remove lead from drinking water pipes in schools. **Re-referred.**

SB 202-FN-A, establishing a stormwater management and flood resilience fund within the department of environmental services and making an appropriation to the fund. **Tabled.**

SB 229-FN, relative to audit recounts. **Re-referred.**

SB 243-FN, relative to the low and moderate income homeowners property tax relief program. **Passed; referred to F-S.**

SB 257-FN, prohibiting foams containing perfluoroalkyl chemicals for use in fighting fires. **Passed with Amendment.**

SB 262-FN, relative to the violation of a property interest in abandoned personal materials. **Passed with Amendment.**

SB 271-FN-L, relative to requiring prevailing wages on state-funded public works projects. **Passed with Amendment.**

SB 283-FN, relative to post-election audits of electronic ballot counting devices. **Passed with Amendment; referred to F-S.**

SB 286-FN-L, relative to aggregation of electric customers by municipalities and counties. **Passed with Amendment.**

(Senate Floor Action — Continued from Page 7)

SB 287-FN, requiring the commissioner of the department of environmental services to revise rules relative to perfluorinated chemical contamination in drinking water. **Re-referred.**

SB 301-FN-A-L, relative to the rates of the business profits tax and business enterprise tax, and relative to revenue sharing with cities and towns. **Tabled. NHMA Policy.**

SB 305-FN, relative to voter registrations accepted by other state agencies. **Re-referred.**

SB 306-FN, establishing the housing appeals board. **Passed with Amendment; referred to F-S.**

SB 307-FN, relative to outdoor lighting. **Passed with Amendment.**

SB 316-FN, relative to the protection of personal information. **Re-referred.**

SB 317-FN, prohibiting sanctuary jurisdictions in New Hampshire. **Tabled.**

2019 NHMA UPCOMING EVENTS FOR MEMBERS	
Mar. 20	Webinar: Rethinking Recycling
Mar. 26	Regional Workshop: RTK Law & Governmental Meetings (Derry)
Apr. 3	Regional Workshop: RTK Law & Governmental Meetings (Berlin)
Apr. 10	2019 Local Officials Workshop (All day), Rochester
Apr. 16	2019 Local Officials Workshop (All day), Peterborough
Apr. 17	Webinar: Legislative Half-time
Apr. 24	NHMA/NHMLA Workshop: Exactions and Open Space
Apr. 26	Local Road Regulation + Enforcement: New Hard Road to Travel
To register for an upcoming event, go to our website: www.nhmunicipal.org and scroll down on the left under CALENDAR OF EVENTS. Click on the green bar <i>View the Full Calendar</i> and go to the workshop or webinar you are interested in. For more information, please call NHMA's Workshop registration line: (603) 230-3350.	