

LEGISLATIVE COMMITTEE MINUTES

**HB1573**

# Bill as Introduced

HB 1573-FN - AS INTRODUCED

2014 SESSION

14-2395

03/01

HOUSE BILL

**1573-FN**

AN ACT discontinuing regional planning commissions and requiring the election of municipal planning board members.

SPONSORS: Rep. Cormier, Belk 8; Rep. Cordelli, Carr 4; Rep. Peterson, Hills 21; Rep. Notter, Hills 21; Rep. Sylvia, Belk 6; Rep. Comtois, Belk 7; Sen. Cataldo, Dist 6

COMMITTEE: Municipal and County Government

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ANALYSIS

This bill eliminates regional planning commissions. This bill also requires that the majority of municipal planning board members be elected.

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Explanation: Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough.]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Fourteen*

AN ACT                    discontinuing regional planning commissions and requiring the election of  
                                 municipal planning board members.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Reference Deleted. Amend RSA 4:29 to read as follows:

2            4:29 By Purchase. The governor, with the advice and consent of the council, may acquire on  
3            behalf of the state, either by purchase or otherwise, as hereinafter provided, any real estate within  
4            the state which he *or she* may deem necessary for any military purpose, for public parks, *for* public  
5            buildings, or for any other public improvement purposes and to accept deeds thereof in the name of  
6            the state~~;~~ ~~provided, however, that 60 days before a purchase of any real estate within the city of~~  
7            ~~Concord or the Concord region, the governor shall provide written notice of such proposed purchase~~  
8            ~~to the state capitol region planning commission].~~ No dam or any real property appurtenant thereto  
9            or any rights and easements in either may be acquired pursuant to the authority of this section or  
10           any other provision of law except an act of the legislature which authorizes the acquisition of a  
11           particular dam, real property, or right or easement.

12           2 Reference Deleted. Amend RSA 4:30 to read as follows:

13           4:30 By Eminent Domain. The governor and council, for the purposes aforesaid, are empowered  
14           to take and appropriate any such real estate for the use of the state in accordance with RSA 498-A~~;~~  
15           ~~provided, however, that 60 days before a taking in the city of Concord or the Concord region, the~~  
16           ~~governor shall provide written notice of such proposed taking to the state capitol region planning~~  
17           ~~commission].~~

18           3 Reference Deleted. Amend RSA 4:40, IV to read as follows:

19           IV. This section shall not apply to sale of institutional lands as provided by RSA 10:4, to real  
20           estate given or bequeathed to the state under provisions of trust or in settlement of public assistance  
21           claims or liens, or to state lands or their products required to be held to procure a continuance of  
22           federal conservation work~~;~~ ~~provided, however, that the state capitol region planning commission~~  
23           ~~shall be provided written notice 60 days before any sale in the city of Concord or Concord area].~~ This  
24           section shall also not apply to the exchange of state-owned lands for other lands of equal or greater  
25           value, which are under the jurisdiction of a department and used by such department during right-  
26           of-way negotiations or to the sale of buildings that need to be moved to clear such right-of-way for  
27           public projects found necessary under other state laws.

28           4 Reference Deleted. Amend RSA 4-C:2, II to read as follows:

29           II. In preparing the state development plan, the office of energy and planning shall consult  
30           with the chief executive officers of the various departments and agencies of state government. The

office shall also consult with officials of ~~[regional planning commissions and]~~ regional and local planning and development agencies, local officials, representatives of the business and environmental community, and the general public.

5 Reference Deleted. Amend RSA 4-C:8, II to read as follows:

II. As requested ~~[and in cooperation with regional planning commissions]~~, provide technical assistance and information in support of the planning and growth management efforts of local units of government, including training requested under RSA 673:3-a. ~~[The office shall encourage municipalities to first seek assistance from established regional planning commissions.]~~

6 Reference Deleted. Amend RSA 9-A:1, IV to read as follows:

IV. The comprehensive development plan shall serve as the basis for policy and program development by the various departments of state government. State agencies shall develop and ~~[regional planning commissions and]~~ local planning boards are encouraged to develop plans which are consistent with the policies and priorities established in the comprehensive development plan.

7 Reference Deleted. Amend RSA 12-A:46, II(h)(7) to read as follows:

(7) One member representing a regional economic development organization ~~[or a regional planning commission]~~; and

8 Reference Deleted. Amend RSA 31:104 to read as follows:

31:104 Liability of Municipal Executives. Notwithstanding any provisions of law to the contrary, no member of the governing board of any municipal corporation or political subdivision, no member of any other board, commission, or bureau of any municipal corporation or political subdivision created or existing pursuant to a statute or charter, and no chief executive officer of such municipal corporation or political subdivision, including but not limited to city councilors and aldermen, selectmen, county convention members, members of boards of adjustment, members of planning boards, school board members, mayors, city managers, town managers, county commissioners, ~~[regional planning commissioners,]~~ town and city health officers, overseers of public welfare, and school superintendents shall be held liable for civil damages for any vote, resolution, or decision made by said person acting in his or her official capacity in good faith and within the scope of his or her authority.

9 Reference Deleted. Amend RSA 31:105 to read as follows:

31:105 Indemnification for Damages. A city, town, county, village district or precinct, school district, chartered public school, school administrative unit, or any other municipal corporation or political subdivision may by a vote of the governing body indemnify and save harmless for loss or damage occurring after said vote any person employed by it and any member or officer of its governing board, administrative staff or agencies including but not limited to selectmen, school board members, chartered public school trustees, city councilors and aldermen, town and city managers, ~~[regional planning commissioners,]~~ town and city health officers, overseers of public welfare, and superintendents of schools from personal financial loss and expense including reasonable legal fees

and costs, if any, arising out of any claim, demand, suit, or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to or destruction of property if the indemnified person at the time of the accident resulting in the injury, damage, or destruction was acting in the scope of employment or office.

10 Reference Deleted. Amend RSA 31:106 to read as follows:

31:106 Indemnification; Civil Rights Suits. All cities, towns, counties, village districts and precincts, school districts, chartered public schools, school administrative units, and other municipal corporations and political subdivisions shall indemnify and save harmless any person employed by it and any member or officer of its governing board, administrative staff, or agencies including but not limited to selectmen, school board members, chartered public school trustees, city councilors and aldermen, town and city managers, ~~[regional planning commissioners,]~~ town and city health officials, overseers of public welfare, and superintendents of schools from personal financial loss and expense including reasonable legal fees and costs, if any, arising out of any claim, demand, suit, or judgment by reason of any act or omission constituting a violation of the civil rights of an employee, teacher or student, or any other person under any federal law if such act or omission was not committed with malice, and if the indemnified person at the time of such act or omission was acting within the scope of employment or office.

11 Reference Deleted. Amend RSA 36:54, II to read as follows:

II. Provide opportunities for the ~~[regional planning commission and the]~~ potentially affected municipalities to furnish timely input to the municipality having jurisdiction.

12 References Deleted. Amend RSA 36:57 to read as follows:

36:57 Procedure.

I. Upon determination that a proposed development has a potential regional impact, the local land use board having jurisdiction shall afford the ~~[regional planning commission and the]~~ affected municipalities the status of abutters as defined in RSA 672:3 for the limited purpose of providing notice and giving testimony.

II. Not more than 5 business days after reaching a decision regarding a development of regional impact, the local land use board having jurisdiction shall, by certified mail, furnish the ~~[regional planning commission and the]~~ affected municipalities with copies of the minutes of the meeting at which the decision was made. ~~[The local land use board shall, at the same time, submit an initial set of plans to the regional planning commission, the cost of which shall be borne by the applicant.]~~

III. At least 14 days prior to public hearing, the local land use board shall notify, by certified mail, all affected municipalities ~~[and the regional planning commission]~~ of the date, time, and place of the hearing and their right to testify concerning the development.

IV. Notwithstanding the foregoing, when the building inspector determines that a use or structure proposed in a building permit application will have the potential for regional impact and no

such determination has previously been made by another local land use board, he or she shall notify the local governing body. The building inspector shall also notify by certified mail the ~~regional planning commission and the~~ affected municipalities, who shall be provided 30 days to submit comment to the local governing body and the building inspector prior to the issuance of the building permit.

13 Reference Deleted. Amend the introductory paragraph of RSA 36-B:1 to read as follows:

36-B:1 Compact Authorized. The director of the office of energy and planning ~~[and/or a regional planning commission which is established under RSA 36, or both,]~~ may negotiate with the proper authorities of the states of Maine, Massachusetts, and Vermont a compact for interstate regional planning substantially in form as follows, which is hereby ratified:

14 Reference Deleted. Amend RSA 38-B:2, I to read as follows:

I. Before the establishment of a regional transit district is put to the local legislative body, the ~~[regional planning commission or]~~ metropolitan planning organization having jurisdiction shall make a recommendation on forming a district. Following the recommendation, the selectmen or mayor of each municipality intending to join shall present to the next annual or special town meeting, city council meeting, or board of aldermen meeting the following question: "Shall the city/town of \_\_\_\_\_ accept the provisions of RSA 38-B providing for the establishment of a regional transit district, together with the towns/cities of \_\_\_\_\_, and the operation of a regional public transit system by the district?" If a majority of the local legislative body voting on the question shall vote in the affirmative, the municipality shall join the proposed regional transit district.

15 Reference Deleted. Amend RSA 38-D:6 to read as follows:

38-D:6 Energy Commission Support. The office of energy and planning ~~[and New Hampshire regional planning commissions]~~ may establish programs to assist, at their request, the cities and towns which have established an energy commission.

16 Reference Deleted. Amend RSA 147-A:4-a, I to read as follows:

I. There is hereby established a hazardous waste facility siting board consisting of 5 members of the general public. ~~[Four]~~ **The** members of the board shall be appointed by the governor with the consent of the council and shall serve terms of 4 years. ~~[The remaining member shall be chosen by the regional planning commission for the area where the proposed facility is to be located and shall serve for the period during which the facility application is under review.]~~ An employee of the department shall serve as executive secretary to the board. Board members shall receive a per diem of \$25.

17 Reference Deleted. Amend RSA 162-A:4, I to read as follows:

I. The management of the authority shall be vested in a board of 14 directors, who shall serve without compensation. The governor, with the consent of the council, shall appoint 9 members of the board, who shall include ~~[an executive director of a regional planning commission and]~~ one

1 elected or appointed local official. The governor shall designate one of the board members as  
2 chairperson. Each board member appointed by the governor shall hold office for 3 years, or until a  
3 successor has been appointed. The state treasurer shall serve as a voting ex officio member of the  
4 board. Two members of the house of representatives, who shall be appointed by the speaker of the  
5 house of representatives, and 2 members of the senate, who shall be appointed by the president of  
6 the senate, shall serve as nonvoting members of the board. A director serving as a member of the  
7 house of representatives or as a member of the senate shall serve for a term ending when the general  
8 court dissolves.

9 18 Reference Deleted. Amend RSA 162-A:5, II to read as follows:

10 II. If a director is appointed to the board as an ~~[executive director of a regional planning~~  
11 ~~commission or as an]~~ elected or appointed local official and the director ceases to hold such office, the  
12 director shall continue as a director for the remainder of the unexpired term and shall be treated for  
13 purposes of RSA 162-A:4 as if the director continued to hold such office. If a director is appointed to  
14 the board as a member of the house of representatives or as a member of the senate and the director  
15 ceases to be a member of the house of representatives or the senate, such director shall also cease to  
16 be a director.

17 19 Reference Deleted. Amend RSA 162-F:14, II(b) to read as follows:

18 (b) Restoration and rehabilitation of any site, including the physical and aesthetic  
19 appearance of the site, that is subject to the requirements of subparagraph II(a) to permit non-  
20 nuclear commercial, industrial, or other similar use, consistent with the orderly development of the  
21 region with due consideration having been given to the views of municipal ~~[and regional]~~ planning  
22 commissions and municipal governing bodies.

23 20 Reference Deleted. Amend RSA 162-F:21, III to read as follows:

24 III. Each committee shall rely on all available data and experience in determining the  
25 amount of such fund including, but not limited to, information from the Nuclear Regulatory  
26 Commission; the public utilities commission; the owner or owners of the facility; municipal ~~[and~~  
27 ~~regional]~~ planning commissions and municipal governing bodies; and relevant construction cost  
28 indices. The committee shall publish a transcript of all proceedings during which information was  
29 presented or offered into testimony, and a detailed analysis of the facts and figures used in  
30 determining the amount of the fund.

31 21 Reference Deleted. Amend RSA 162-H:16, IV(b) to read as follows:

32 (b) Will not unduly interfere with the orderly development of the region with due  
33 consideration having been given to the views of municipal ~~[and regional]~~ planning commissions and  
34 municipal governing bodies.

35 22 References Deleted. Amend RSA 216-J:2, II(a)(4) and II(b) to read as follows:

36 (4) The ~~[members]~~ **member** appointed under ~~[subparagraphs I(d) and]~~  
37 **subparagraph I(g)** shall serve **a** one-year ~~[terms]~~ **term**.

(b) Following the staggering of terms, subsequent terms of commission members appointed under subparagraphs ~~I(a)-(d)~~ **I(a)-(c)** shall be for 3 years. The term of members designated to serve under subparagraphs I(e)-(f) shall be coterminous with his or her term in office. Vacancies shall be filled for an unexpired term in the same manner and by the same body as the original appointment was made.

23 Reference Deleted. Amend RSA 227-E:4, II to read as follows:

II. The governor and council shall appoint the members designated in subparagraphs I(f) through (k). These members shall all be residents of the Connecticut River Valley and shall serve 3-year terms, provided that the initial appointments shall be 2 for a term of one year, 4 for a term of 2 years, and 4 for a term of 3 years. The members appointed under subparagraphs I(a), (b), ~~[(e)],~~ (d), and (e) shall serve at the pleasure of the organizations they represent.

24 Reference Deleted. Amend RSA 227-E:6, IV to read as follows:

IV. Cooperate with, and suggest guidelines for, local communities ~~[and regional planning commissions]~~ to accomplish the purposes of this chapter.

25 Number. Amend the introductory paragraph of RSA 227-M:4, II(c) to read as follows:

(c) ~~[Eight]~~ **Seven** public members, to be appointed by the governor and council:

26 References Deleted. Amend RSA 228:99, I to read as follows:

I. Each metropolitan planning organization ~~[and rural regional planning commission]~~ shall reach agreement with the department of transportation relative to funding unified planning work programs consistent with 23 U.S.C. sections 134 and 135 no later than December 1 of each even-numbered year. Each metropolitan planning organization ~~[and rural regional planning commission]~~ shall provide a regional transportation improvement program (TIP) to the department of transportation no later than April 1 of each odd-numbered year. Such plans shall include a public involvement plan and education initiative to ensure early and adequate input from residents, municipalities, and any other interested parties in New Hampshire.

27 References Deleted. Amend RSA 228:99, III-IV to read as follows:

III. The governor's advisory commission on intermodal transportation shall conduct at least one public hearing in each executive council district to present the tentative STIP to the public and to receive the public's comments and recommendations regarding the program. The governor's advisory commission on intermodal transportation shall submit such program along with the commission's recommendations to the governor no later than December 1 of each odd-numbered year. Each metropolitan planning organization ~~[and rural regional planning commission]~~ should conduct an informational meeting after the commission submits its recommendations to receive the public's final comments and recommendations regarding the proposed programs before adoption by the governor.

IV. The governor shall submit the STIP to the general court to be acted on no later than January 15 of each even-numbered year. After an enactment by the general court of the STIP or by

1 June 1 of each even-numbered year, whichever is earlier, each metropolitan planning organization  
2 ~~[and rural regional planning commission]~~ should continue its public involvement program by  
3 conducting at least one informational meeting concerning the STIP.

4 28 Reference Deleted. Amend RSA 230:75, VIII to read as follows:

5 VIII. May assist and cooperate with ~~[regional planning commissions,]~~ municipal  
6 governments, other state agencies, and citizens' groups in the development and construction of local  
7 and regional bicycle projects and in the application for any funds available for such projects.

8 29 References Deleted. Amend RSA 238-A:5, II-III to read as follows:

9 II. The board of directors shall determine when to expand the service area of the authority.  
10 Upon approval of a resolution to expand the service area of the authority, after a properly noticed  
11 public hearing, the board of directors shall notify eligible cities[, **or** towns~~, or regional planning~~  
12 ~~commissions~~] of the determination to expand the service area of the authority. A city[, **or** town~~, or~~  
13 ~~regional planning commission~~] may petition the authority to support the development and  
14 establishment of commuter rail and related public transportation services within its jurisdiction.  
15 The board of directors shall have sole discretion to accept or reject any such petition. When  
16 considering an expansion of the service area of the authority the board of directors shall consider  
17 support for the proposed passenger or commuter rail project by affected towns[, **and** cities, ~~and~~  
18 ~~regional planning commissions,~~] and the completion of an alternatives analysis or major investment  
19 study.

20 III. When the service area of the authority is expanded as identified in RSA 238-A:5, II new  
21 members will be added to the board of directors as follows:

22 [(a)] One designee for each town or city added to the service area that is not represented  
23 on the board of directors.

24 ~~[(b) One designee for each regional planning commission added to the service area that is~~  
25 ~~not represented on the board of directors.]~~

26 30 Reference Deleted. Amend RSA 238-A:7, II(c) to read as follows:

27 (c) Contracts with the department of transportation~~, a regional planning commission,~~  
28 or any other government agency.

29 31 Reference Deleted. Amend RSA 240:3, XI to read as follows:

30 XI. The GACIT shall provide the first statewide review of the plan as drafted by the  
31 department of transportation ~~[with input from the regional planning commissions].~~

32 32 Reference Deleted. Amend RSA 261:92 to read as follows:

33 261:92 Publicly Owned Vehicles; Nonprofit Corporations. The director shall have the authority  
34 to prescribe special rules relative to registration of vehicles owned and driven by the government of  
35 the United States, the state, or by any county, city, town, ~~[regional planning commission,]~~ school  
36 district, volunteer fire department, eligible nonprofit corporation operating transportation under  
37 contract with the department of transportation for the public or for elderly or disabled persons, or

public or private educational institution used for the purpose of student driver training, and may issue permanent number plates for such vehicles. Said vehicles displaying said number plates shall be deemed to be properly registered under the provisions of this title and may be driven upon the ways of the state without further registration or subsequent number plates.

33 References Deleted. Amend RSA 432:27, II to read as follows:

II. Municipal planning boards ~~[and regional planning commissions]~~ established pursuant to RSA 673 ~~[or RSA 36]~~ shall be notified in writing by the commissioner of the acquisition or release of an agricultural preservation site which shall be duly noted in the master plan of the municipality or region.

34 Reference Deleted. Amend RSA 483:10, I to read as follows:

I. The rivers coordinator, with the cooperation and assistance of the office of energy and planning, shall develop detailed guidelines for river corridor management plans. The rivers coordinator shall provide technical assistance to ~~[regional planning commissions,]~~ municipalities~~],~~ and local river management advisory committees and shall encourage the development and implementation of river corridor management plans.

35 Reference Deleted. Amend the introductory paragraph of RSA 483-A:7, V to read as follows:

V. Lake management and shoreland protection plans developed pursuant to paragraphs I~~],~~ II~~],~~ and III shall address, but not be limited to, the following:

36 Reference Deleted. Amend RSA 483-B:21, I(b)(1) to read as follows:

(1) A representative of ~~[a regional planning commission or]~~ the office of energy and planning.

37 Reference Deleted. Amend RSA 485-E:1, II(b) to read as follows:

(b) Establish a regional framework for coastal watershed communities, ~~[regional planning commissions,]~~ the state, and other stakeholders to collaborate on planning and implementation measures to improve and protect water quality and more effectively address the challenges of meeting clean water standards, particularly with respect to nutrients pollution;

38 Reference Deleted. Amend RSA 485-E:3, II to read as follows:

II. To foster improved municipal and intermunicipal land use planning and regulation, ~~[in coordination with the applicable regional planning commissions,]~~ such as to encourage low impact development and innovative zoning and land use management approaches, and to advance the state's economic growth, resource protection, and planning policy.

39 References Deleted. Amend RSA 485-E:4 to read as follows:

485-E:4 Advisory Committee. The Alliance shall include an advisory committee consisting of the commissioner of the department, or designee, the commissioner of the department of transportation, or designee, ~~[the Strafford, Rockingham, and southern New Hampshire regional planning commission executive directors, or designees,]~~ and the Piscataqua Region Estuaries Partnership director, or designee. The committee shall provide technical assistance, education, scientific advice,

and consultation on whether plans advance the state's economic growth, resource protection, and planning policy, and otherwise share expertise and provide resources to assist the Alliance, in accordance with available resources. Members of the advisory committee shall be nonvoting members of the Alliance. The Alliance may add members to the advisory committee as it determines its needs for expertise.

40 Reference Deleted. Amend RSA 485-E:5, I(a) to read as follows:

(a) Notify the governing bodies, planning boards, conservation commissions, and public works departments of each municipality in the coastal watershed~~[-and the applicable regional planning commissions,]~~ of the establishment of the Southeast Watershed Alliance and of the need and purpose of the Alliance, and solicit their participation;

41 Planning Board; Election. Amend RSA 673:2 to read as follows:

673:2 Planning Board.

I.(a) In cities, the planning board shall consist of 9 members:

(1) The mayor of the city, or with the approval of the local legislative body the mayor's designee, who shall be an ex officio member;

(2) An administrative official of the city selected by the mayor, who shall be an ex officio member;

(3) A member of the city council selected by the council, who shall be an ex officio member; and

(4) Six ~~[persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter]~~ **elected members**.

(b) Alternatively, the local legislative body in a city with a city council-city manager form of government may establish a planning board with membership as provided in paragraph I-a.

I-a. In cities with a city council-city manager form of government, the planning board may consist of the following 9 members:

(a) The city manager, or with the approval of the local legislative body the city manager's designee, who shall be an ex officio member;

(b) A member of the city council selected by the council, who shall be an ex officio member; and

(c) Seven ~~[persons appointed by the mayor, if the mayor is an elected official, or such other method of appointment or election as shall be provided for by the local legislative body or municipal charter]~~ **elected members**.

I-b. In towns which operate under the town council form of government, the planning board shall consist of 7 or 9 members, as determined by the local legislative body or by the municipal charter. If the planning board shall consist of 9 members, the members shall be the persons listed in paragraph I. If the planning board shall consist of 7 members, the members shall be as follows:

1 (a) A member of the town council or administrative official of the town selected by the  
2 town council, who shall be an ex officio member; and

3 (b) Six ~~[persons appointed by the mayor, if the mayor is an elected official, or such other~~  
4 ~~method of appointment or election as shall be provided for by the local legislative body or municipal~~  
5 ~~charter]~~ **elected members.**

6 ***I-c. Elected planning board members shall serve terms as provided in RSA 673:5, II.***

7 II. In other towns, the planning board shall consist of 5 or 7 members as determined by the  
8 local legislative body. The membership shall be ~~[filled by one of the following procedures]~~ **as**  
9 **follows:**

10 (a) The selectmen shall designate one selectman or administrative official of the town as  
11 an ex officio member ~~[and appoint 4 or 6 other persons who are residents of the town, as appropriate;~~  
12 ~~or]; and~~

13 (b) ~~[The local legislative body may decide, by majority vote at the town meeting, that~~  
14 ~~planning board members shall be elected according to either the procedure in subparagraph (1) or in~~  
15 ~~subparagraph (2). The official ballot shall be used on every referendum for the adoption of RSA~~  
16 ~~673:2, II(b)(1) or (2), and every subsequent rescission of such adoption pursuant to subparagraph (c).~~  
17 ~~The wording on the official ballot of any referendum for the adoption of RSA 673:2, II(b)(1) or (2)~~  
18 ~~shall specifically state which procedure for electing planning board members is being voted upon.~~  
19 ~~Following the majority vote at town meeting, planning board members shall be elected as follows:~~

20 ~~(1) The selectmen shall choose one selectman or administrative official of the town as~~  
21 ~~an ex officio member and the remaining planning board positions shall be filled at the next regular~~  
22 ~~town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the~~  
23 ~~term provided under RSA 673:5, II; or~~

24 ~~(2) The selectmen shall choose one selectman or administrative official of the town as~~  
25 ~~an ex officio member and the remaining planning board positions shall be filled on a staggered basis~~  
26 ~~at the subsequent regular town elections pursuant to RSA 669:17 as the term of an appointed~~  
27 ~~member expires, until each member of the board is an elected member. The maximum number of~~  
28 ~~elections to occur annually shall be as provided in RSA 673:5, II. When each planning board member~~  
29 ~~is an elected member, such member shall be elected for the term provided in RSA 673:5, II]~~ **Four or**  
30 **6 elected members.**

31 ~~[(c) A local legislative body which has voted to elect planning board members may, by~~  
32 ~~majority vote at town meeting, decide to rescind that action and have the planning board appointed~~  
33 ~~in the manner set forth in subparagraph (a). The vote to have planning board members so appointed~~  
34 ~~shall take effect upon adoption by the town meeting, and the selectmen shall forthwith appoint~~  
35 ~~members in accordance with RSA 673:5. The planning board shall, however, continue in existence,~~  
36 ~~and the elected members in office at the time of the town meeting vote to appoint members may~~  
37 ~~continue to serve until their successors are appointed and qualified.]~~

1 III. In village districts, the planning board shall consist of either 5 or 7 members as  
2 determined by the village district meeting. The district commissioners shall[;

3 (a)] designate one district commissioner or administrative official of the district as an ex  
4 officio member[; and

5 (b) ~~Appoint~~]. *The other* 4 or 6 ~~[other persons who are residents of the village district, as~~  
6 ~~appropriate]~~ **members shall be elected by the legislative body.**

7 IV. In counties in which there are located unincorporated towns or unorganized places, the  
8 planning board shall consist of 5 or 9 members. The county commissioners shall recommend  
9 appointees to the planning board, and the appointees shall be approved by the county delegation.  
10 Planning board members shall be residents of the county, and **appointed members** shall be evenly  
11 distributed geographically throughout the county. The membership of the planning board shall be as  
12 follows:

13 (a) The chairperson of the board of county commissioners or designee shall be an ex  
14 officio member.

15 (b) A member of the county convention selected by the convention shall be an ex officio  
16 member.

17 (c) An administrative official of the county selected by the chairperson of the board of  
18 county commissioners shall be an ex officio member.

19 (d) Two or 6 ~~[persons appointed by the board of county commissioners and approved by~~  
20 ~~the county convention.~~

21 ~~(e) One or 3 alternates appointed by the board of county commissioners and approved by~~  
22 ~~the county convention]~~ **elected members.**

23 42 Planning Board Members Serving on Other Local Boards. Amend RSA 673:7, I-II to read as  
24 follows:

25 I. In the case of towns, any 2 ~~[appointed or]~~ elected members of the planning board may also  
26 serve together on any other municipal board or commission, except that no more than one member of  
27 the planning board shall serve on the conservation commission, the local governing body, or a local  
28 land use board as defined in RSA 672:7.

29 II. In cities, ~~[appointed]~~ **elected** members shall not hold any other municipal office, except  
30 that:

31 (a) One of the ~~[appointed]~~ **elected** members may be a member of the zoning board of  
32 adjustment;

33 (b) Either one ~~[appointed]~~ **elected** member or one ex officio member may be a member of  
34 the conservation commission if one exists in the city; and

35 (c) Either one ~~[appointed]~~ **elected** member or one ex officio member may be a member of  
36 the heritage commission, the historic district commission, the agricultural commission, the housing  
37 commission, or all 4 if such commissions exist in the municipality.

1 43 Reference Deleted. Amend RSA 674:2, III(1) to read as follows:

2 (1) A housing section which assesses local housing conditions and projects future housing  
3 needs of residents of all levels of income and ages in the municipality and the region [as identified in  
4 the regional housing needs assessment performed by the regional planning commission pursuant to  
5 RSA 36:47, II, and] which integrates the availability of human services with other planning  
6 undertaken by the community.

7 44 Reference Deleted. Amend RSA 674:3, III to read as follows:

8 III. During the preparation of the various sections of the master plan, the board shall inform  
9 the general public and the office of energy and planning [and regional planning commissions] and  
10 solicit public comments regarding the future growth of the municipality in order to involve citizens in  
11 the preparation of the master plan in a way which is most appropriate for the municipality.

12 45 Reference Deleted. Amend RSA 674:44-i, I(a) to read as follows:

13 (a) Conduct a housing needs assessment[, which may be done in cooperation with the  
14 regional housing needs assessment compiled by the regional planning commission under RSA 36:47,  
15 II].

16 46 Repeal. The following are repealed:

- 17 I. RSA 4-C:2, I(c), relative to development plan.
- 18 II. RSA 4-C:8, I, relative to planning assistance.
- 19 III. RSA 4-C:8, III, relative to planning interface.
- 20 IV. RSA 9-A:2, IV, relative to planning coordination.
- 21 V. RSA 21-L:4, II, relative to planning consultation.
- 22 VI. RSA 21-O:3, VII, relative to planning contracts.
- 23 VII. RSA 36:45 through RSA 36:53, relative to regional planning commissions.
- 24 VIII. RSA 36:56, II, relative to development review.
- 25 IX. RSA 204-C:56, II(f), relative to eligible applicants.
- 26 X. RSA 216-J:2, I(d), relative to commission members.
- 27 XI. RSA 227-E:4, I(c), relative to commission members.
- 28 XII. RSA 227-M:4, II(c)(7), relative to board members.
- 29 XIII. RSA 238-A:1, IV, relative to definitions.
- 30 XIV. RSA 238-A:4, I(f) and (g), relative to board members.
- 31 XV. RSA 238-A:4, I(n), relative to board members.
- 32 XVI. RSA 238-A:4, I(s) and (t), relative to board members.
- 33 XVII. RSA 238-A:4, I(v) and (w), relative to board members.
- 34 XVIII. RSA 238-A:8, VI, relative to regional planning commission services.
- 35 XIX. RSA 239:3, I(k), relative to board of directors.
- 36 XX. RSA 239-A:3, I(c), relative to board of directors.
- 37 XXI. RSA 239-B:2, I(f), relative to SCC membership.

1 XXII. RSA 483-A:7, II, relative to lakes management assistance.

2 XXIII. RSA 483-E:2, I(q) and (r), relative to membership of coastal risk and hazards  
3 commission.

4 XXIV. RSA 673:6, I(b), relative to alternate planning board members.

5 47 Regional Planning Commissions; Discontinuance; Funds.

6 I. Regional planning commissions are prohibited from entering into contracts or agreements  
7 or accepting grants as of the effective date of this section.

8 II. Except as provided in paragraph III, each regional planning commission shall provide for  
9 the pro-rata payment to its member municipalities of all unobligated, unencumbered, and  
10 unexpended funds upon the discontinuation of the commission.

11 III. Property and records in the custody of a discontinued regional planning commission  
12 shall be transferred or returned, as appropriate, to the commission's member municipalities. If  
13 transfers or returns are not possible or practicable, the governor may designate an appropriate state  
14 agency and the property and records shall be transferred to the designated state agency.

15 48 Effective Date.

16 I. Sections 1-40 and 43-46 of this act shall take effect December 31, 2014.

17 II. The remainder of this act shall take effect upon its passage.

**HB 1573-FN - FISCAL NOTE**

AN ACT                    discontinuing regional planning commissions and requiring the election of municipal planning board members.

**FISCAL IMPACT: FISCAL IMPACT:**

The Office of Energy and Planning, Department of Environmental Services, New Hampshire Municipal Association, and New Hampshire Association of Counties state this bill, as introduced, will increase state general fund expenditures by \$87,770 in FY 2015, \$95,798 in FY 2016, \$105,032 in FY 2017, and \$114,765, and have an indeterminable impact on local expenditures in FY 2015 and each year thereafter. There will be no impact on county expenditures, or state, county, and local revenue.

**METHODOLOGY:**

The Office of Energy and Planning (OEP) states this bill abolishes regional planning commissions (RPC) and requires that all planning board members, other than ex officio members, be elected rather than appointed. The OEP grants a total of \$100,000 in general funds each year to the nine RPCs for the purpose of providing services to the municipalities and counties the RPCs serve. Current RSA 4-C:7 states the OEP shall establish a program of regional and municipal assistance "with the goal of assuring delivery of efficient and effective assistance to local governments in areas related to growth management and resource protection." Currently, RPCs provide assistance to municipalities in these areas, supporting the OEP's own efforts. Should RPCs be abolished, the OEP anticipates there will be an increase in its current responsibilities for providing technical assistance to municipalities. The OEP states that, while it is not possible to predict with a high level of accuracy the impact this will have on the Office's staffing needs, it will not be able to absorb the additional responsibilities within existing staff resources. Consequently, the OEP estimates it will need to hire two full-time planners to provide additional direct services to municipalities. The Office projects the bill's fiscal impact will be as follows:

	FY 2015	FY 2016	FY 2017	FY 2018
<b>Expenditures:</b>				
Two principal planners (LG 24, with annual steps)	\$89,927	\$95,005	\$99,164	\$103,527
Benefits	\$52,576	\$55,840	\$59,069	\$62,492
Indirect costs	\$35,626	\$37,711	\$39,558	\$41,505
Other (equipment, travel, etc.)	\$9,641	\$7,241	\$7,241	\$7,241
<b>Total</b>	<b>\$187,770</b>	<b>\$195,798</b>	<b>\$205,032</b>	<b>\$214,765</b>
Less general fund grants to RPCs that will no longer be made	\$100,000	\$100,000	\$100,000	\$100,000
<b>Total Cost to State</b>	<b>\$87,770</b>	<b>\$95,798</b>	<b>\$105,032</b>	<b>\$114,765</b>

The Department of Environmental Services states the bill's fiscal impact is indeterminable. The Department works with RPCs to assess the air quality impact of transportation plants, a requirement of the federal Clean Air Act. Outputs from the RPC transportation demand models are a necessary input to models used by the Department. Because the bill only abolishes the RPCs and not the four federally required metropolitan planning organizations, the Department assumes the data from the demand models will continue to be available. Should the data *not* be available, the state may be subject to federal sanctions and withholding of federal highway funds.

The New Hampshire Municipal Association states that most but not all municipalities currently pay voluntary dues to regional planning commissions, which they will no longer pay should the bill pass. The Association states it does not have access to information about total dues paid to RPC, nor is it able to estimate the additional expenses municipalities may have to pay in the absence of RPCs.

The New Hampshire Association of Counties states the bill will have no fiscal impact. The Association states that to date, only a few counties have chosen to be members of RPCs, and these counties will no longer pay voluntary dues should the bill pass.

# Speakers

# SIGN UP SHEET

## To Register Opinion If Not Speaking

Bill # NB 1573 Date Jan 16, 2014

Committee MCG

**\*\* Please Print All Information \*\***

Name	Address	Phone	Representing	(check one)	
				Pro	Con
SEN. DAVID BOUTIN			DISTRICT #46	<input checked="" type="checkbox"/>	<input type="checkbox"/>
SEN. SAM CATALE			DIST - C	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Jeremy J. Olson	11 Neils Ln	Grafton 03240	Grafton Planning Bd	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Paul Worsowicz			NH Homebuilders Association		<input checked="" type="checkbox"/>
Callaghan Callahan + Gortrell	228-1181				
Cardell Johnston	25 Triangle Park Dr.	Concord 224-9447	NH Municipal Ass'n		<input checked="" type="checkbox"/>
Rep. Timothy Horrigan			Strafford Co		<input checked="" type="checkbox"/>
Rep. DAVIDS	Warren NH		Warren RPC Rep		<input checked="" type="checkbox"/>
Larry Sunderland	Derry, NH		NH Audubon		<input checked="" type="checkbox"/>
ROBERT SNEELING	HOLDERNESSE NH	968-9809	HOLDERNESSE PLANNING		<input checked="" type="checkbox"/>
Jeffrey R. Hayes	TAKSON NH	986-5599			
JoAnn Duffey			Town of Hooksett		<input checked="" type="checkbox"/>
CAROLYN Cronin			Town of Hooksett		<input checked="" type="checkbox"/>
WILLIAM BUTYNSKI	HASDALE, NH	603-336-7498	CHESTER 01		<input checked="" type="checkbox"/>
Kerrie Diers	Nashua Regional Planning				<input checked="" type="checkbox"/>
Rep. Loretta Peterson	Hills 21			<input checked="" type="checkbox"/>	
<del>SEAN OLSEN</del>	<del>WARREN NH</del>			<input checked="" type="checkbox"/>	
Rep. Seanine Natter			Hills 21	<input checked="" type="checkbox"/>	

# SIGN UP SHEET

## To Register Opinion If Not Speaking

Bill # HB 1573-FN Date Jan 16, 2014  
Committee MCG

**\*\* Please Print All Information \*\***

[illegible]

# Hearing Minutes

# HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

## PUBLIC HEARING ON HB 1573-FN

**BILL TITLE:** discontinuing regional planning commissions and requiring the election of municipal planning board members.

**DATE:** January 16, 2014

**LOB ROOM:** 301      **Time Public Hearing Called to Order:** 1:00 pm

**Time Adjourned:** 3:15 pm

(please circle if present)

**Committee Members:** Reps. Porter, Tatro, Hooper, Roberts, Malloy, Carson, Lavender, Enman, S. White, Verschueren, Vail, Stroud, Shackett, Danielson, Coffey, J. Belanger, Lockwood, Bickford, Copeland and Bishop.

**Bill Sponsors:** Rep. Cormier, Belk 8; Rep. Cordelli, Carr 4; Rep. Peterson, Hills 21; Rep. Notter, Hills 21; Rep. Sylvia, Belk 6; Rep. Comtois, Belk 7; Sen. Cataldo, Dist 6

## TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

1. **Rep Jane Cormier**, Belknap 8, sponsor, favors. Basically this bill is very simple. It requires that planning board members be elected and abolishes regional planning commissions. NH's 9 regional planning commissions for an organization called Granite State Future. The Nashua Regional Planning Commission heads this organization. They want to address barriers to planning in communities among which is individual ownership of land. Rep Cormier was reading a prepared statement and keeping an exact record of all she was saying was difficult. RPCs are protected by this very legislature. The Federal Government funds RPCs and is subverting local rule. Granite State Future is a shell game.
2. **Rep Glen Cordelli**, Carroll County 4, supports the bill. We are looking at elections coming in the Fall but RPC folks don't need to worry about that as they are not elected officials. RSA 36.47; a regional planning commission power shall be advisory. Nashua Regional Planning Commission (NRPC) has an agreement with HUD. RPCs want to be able to incur long term debt. RPCs have a larger vision than the legislature and RPCs need to be able to introduce several pieces of legislation each year.
3. **Hillsborough County Commissioner Tony Pappas**, opposes the bill. It would be a mistake to eliminate the local RPC. Local issues require expert knowledge. The knowledge provided by RPCs to county and municipalities is invaluable. Membership dues are voluntary. For every dollar raised locally, 8 dollars is brought in by grants and other sources.
4. **Theresa Chabot**, New Durham, supports. I support what Representative Jane Cormier said.
5. **Victoria Parmele**, Strafford RPC, opposed. I could provide a long list of services provided by RPCs. Gave examples of projects to local communities which received expert input from the local RPC, some

projects included storm water management, tourism and others. This bill is meant to shine a bad light on RPCs and then destroy them. This bill is a political bill.

6. **Ray Howard**, representing tax payers, support the bill. I am on the planning board and all I've seen is that RPCs have cost the town of Alton money and done nothing for it.
7. \* **Rick Sawyer**, NH Planners Association, oppose the bill. We feel the election of planning board members should be left up to the individual communities. Adoption of this bill would reek havoc on those 45 communities who depend on RPC for their planning.
8. **Don MacIsaac**, chair board of selectmen Jaffrey, opposes the bill. RPC funding comes from many sources. He mentioned several projects which helped his community with development and obtaining grants to complete. RPCs are a great resource for Master Plans. The helped us with regional transportation planning and the DOT 10 year plan. Without this regional input, small towns like Jaffrey might not be able to have their needs considered. Feds look to regional organizations to justify the allocation of their funds. What's lacking in this bill is what it would cost the municipalities if the services of the RPCs had to be funded by the municipalities. About electing planning board members; this assumes there is a waiting pool of candidates who want to run for election to these positions.
9. **Tim Carter**, Meredith, supports the bill. I served on the PB and ZBA in my town for 8 years. He named several prominent names of nationally known people. Made references to bad decisions they made while in office and are no longer in office as a result. RPCs want to take away your local property rights.
10. **Tyson Miller**, selectman in Canterbury, oppose the bill. I am a member of the local RPC board. I can't disagree with a lot of the things said by previous speakers. Forcing towns to elect Planning Board members is something I am against. Towns should maintain the ability to have that option and not have it mandated by the State. We have no planners and no staff to do the planning work and we depend on the RPC to provide that expertise. They have helped us with broadband, reliance on older people because young folk are leaving town, aquifer protection, regulations involved with our Master Plan, brought in the State for traffic issues when we were unable to get the State to come in, safely getting our kids to school. We have an upcoming issue with a campground coming to town which will increase the size of our town by 50% and RPC will help us with that.
11. **Representative Butynski**, Cheshire 1, oppose the bill. My home community of Hinsdale has positive results from our RPC. Different matters have been addressed which would have cost Hinsdale a lot of money if they had not been available. I believe you should ITL the bill.
12. \* **Jeremy Olson**, Grafton Planning Board, supports the bill. Our planning board voted in a prior meeting to support the bill. We withdrew from the RPC a few years ago and have not been a part of them since.
13. \* **Carol Miller**, representing DRED. I am the director of broadband technology. On behalf of Commissioner Jeffrey Rose, I am here to oppose this bill. I've worked with all 9 RPCs with respect to broadband. I've found the RPCs to be helpful and they are NH citizens and are part of the economic engine that powers NH. Granite State futures has provided important input on broadband thru surveys.
14. \* **Larry Cleveland**, Rindge, supports the bill. I am in support of the bill and will submit my written testimony.
15. \* **Christine (Walker) Frost**, Director of Upper Valley Lakes region RPC, oppose the bill. Our dues only make up about 9% of our budget. The rest mainly comes from communities who hire us for our expertise. We rely heavily on federal dollars because that allows us to do the work that communities need. We are

held accountable and have to report to the feds for the work we do when accepting their dollars. We only receive less than 1% of our budget from the State.

16. **Bill McNally** from Windham, supports the bill. I want to introduce literature I have gathered for you.
17. **P Michael Fimble**, NRPC Commissioner, Mont Vernon, oppose the bill. I am here as a private individual. As a selectman in Mont Vernon, I can't support this bill. NRPC helped us get digital tax maps, road management and maintenance, hazardous waste and communication between the towns are all areas where NRPC have been instrumental. Certain functions of RPCs are paramount and we should be looking at individual functions they perform and only address the ones we don't think are needed.
18. **Joe McCormack**, Belmont, support the bill. I feel the federal government comes into the State and helps us with strings attached. I just don't trust them.
19. \* **Will Stewart**, Manchester Chamber of Commerce, oppose the bill. We have an excellent working relationship with our RPC and hope the committee opposes this bill. 13 communities have voluntarily joined our RPC and they would not do that if they didn't feel they were an excellent value. If not, they are free to leave.
20. \* **Ken Eyring**, Windham NH, support the bill. He read issues contained in his handout which shows underlying motives that are not disclosed in publications from Granite State Futures including Agenda 21 items and others. When requesting minutes of some committee meetings, he was told no notes were taken. Most of the people serving on these RPCs are not elected officials and not accountable to the voters.
21. **Thomas Mahon**, NH Rail Transit Authority Chair, oppose the bill. This bill would eliminate a lot of our board members. We have no money, we have no staff, we rely on the RPC to examine the feasibility of commuter rail in NH. I serve on the town council in Merrimack and have had dealings with the RPC and they have been a tremendous help with transportation issues. They have a lot of information we don't have. Without their assistance we would be spending a lot more money in managing the growth of our community.
22. **Thomas Young**, Litchfield, oppose the bill. I am representing the Litchfield Planning Board. OEP says they only need 2 people to do what the RPCs do with 80 staff. Appointed planning board members currently have the needed qualifications needed to fill the positions and, if elected, they may not.
23. **Robert Daniels**, selectman in Alton, supports the bill. I am not representing anyone but myself. The federal government has too much influence in influencing local issues. I don't think the government should have a role in broadband. I suggest reading some of the reports put out by the RPCs and see that they don't have any real practical value to small towns.
24. **JoAnn Duffy**, Hooksett, Commissioner of SO NH RPC, town planner for Hooksett, elected zoning board member for Goffstown, oppose the bill. Hooksett only has two staff people in the planning department and we would never be able to do our work without the assistance of the RPC. 20 years ago, we could rely on OSP (office of state planning) but due to budget cuts, they are no longer available as they used to be. I think there are pluses and minuses on the issue of elected planning board members but I feel towns should have that option.
25. **Martha Spaulding**, Salem, support the bill. I am not in favor of a police state and believe the NSA has too much authority. Concerned: about lack of oversight, top down centralized authority supported by Granite State Future, erosion of liberty. When the federal government places too many restrictions on a federal

grant, it becomes coercive. She feels the federal government is encroaching on areas protected by our 10<sup>th</sup> amendment.

26. **Laura Scott**, community development director, Windham and represents the Windham board of selectmen. Towns should have the choice of belonging to an organization and this bill would take away that choice. We left one planning Commission and went to join another, our choice. We have an elected planning board. Nothing in the last five years has shown me that we were being forced to adhere to the RPC, the opposite is true. We feel they work for us, the town. The town meeting, annually, decides if they want to stay with the RPC and pay the annual fees. The selectmen appoint the members who represent the town at the RPC. I believe it is "bottom up" and not "top down".
27. \* **Susan Olsen**, Warner, representing herself, supports the bill. I am a recovering lobbyist. She cited the NH chapter that authorized the RPCs. RSA 672-678 recodified the regional planning commission statutes and noted that mandated public funding might be necessary to help RPCs who are in need of funding. RPCs are not subject to RSA 32 and 33, the budgeting statutes. RPCs are political subdivisions and are not held accountable.
28. **Rick Davies**, Warner, Planning board and rep to RPC, opposed the bill. Listed some projects they are working on with the help of the RPC. He agrees that planning board elections or appointments should be decided by each community.
29. **Hon Omer C Ahern Jr**, Plymouth NH, ex state rep, current ZBA member, supports the bill. Whatever we can do to reduce the burden on our people. Feels a lot of people who testified have vested interests in keeping this as is. Feels this regional concept is one more layer of government which impedes our self governance.
30. **Bill Duschatko**, Bedford NH, Opposes the bill. Bill is poorly thought out and appears to be the result of a well organized lobby group. As a commissioner of our local RPC, he feels his unpaid position works hard to rid municipalities of unneeded regulations. Their number one effort is to reduce local, state, and federal regulations.
31. \* **Rebecca Ohler**, NH Department of Environmental services. Dept is opposed to this bill. We take no position on the election of planning board members. RPCs help us with hazardous waste collection and many other projects we cannot afford to do on our own. Flood control needs to be done on a regional basis, for example. Brownfields are another area where RPCs are a great help.
32. \* **Warren Hutchins**, Laconia, chair of Laconia planning board, oppose the bill. Laconia planning board is appointed for a three year term by the city council. Laconia is the largest paying member of the RPC and he feels it is a good value. As a member of the Lakes Region Planning Commission he works with a lot of surrounding communities including those which the sponsor of this bill represents.
33. **Edwin Smith**, Hinsdale, Opposes. Represents himself but has 7 terms as a State Rep. Small towns in NH don't have the enough people in them to have representatives to get things passed in the legislature.
34. **Peter Griffin**, Windham, opposes the bill. Has served on RPC for over ten years. Feels they are very valuable. Value of RPCs is invaluable to the town. Granite State Future was adopted by the Board of Selectmen after 6 hours of testimony over several selectmen meetings. This bill would eliminate the entire planning efforts in NH. This bill would make volunteers be lesser individuals.
35. **Camille Lockwood**, Temple, opposes the bill. If it ain't broke, don't fix it. If RPCs are running well, why derail them. She feels others have addressed many of her issues so she will speak about rivers. The

Rockingham Planning Commission, dealing with ten towns, were invaluable in making the towns work together in addressing river issues. She is an elected member of the planning board.

36. **Mona Perreault**, Temple, supports the bill. She feels property rights and local control are important to her. She feels the federal government is controlled by the UN and is interfering with her property rights. She took time off from her business to be here because it is all about big government. She feels the well water she uses is not a concern of the federal government and she should not have to file reports on her water or how many miles she travels. She feels RPCs, if you read their literature, has their philosophy based on UN things.
37. \* **Frederick McGarry**, Deerfield, opposes the bill, represents himself. Has been a planning board member over 30 years and has been both an appointed and an elected member of that board. In his 30 years, he has never had anyone from the UN attend any of the meetings. He urges ITL. RSA 147A establishes hazardous waste board which has a fifth member from the RPC. Otherwise, all members are governor appointees.
38. \* **Louis Archambault**, Rochester, no position. He feels the RPCs have a social agenda. He cited examples of local officials (from RPC?) who came to his property and pointed out areas which needed changes with regard to vegetation and stones in culverts which affected water flow. He suggested NH was the only hold-out in the region becoming a solid blue state. Grants and funding only expand government fiefdom and power. After testimony, he said he supports the bill.
39. **Bernie Folta**, Claremont, represents himself, opposes the bill "BUT". This is how he listed it on the pink card. He is not in favor of abolishing RPCs but he wants to plant a seed. A former rep introduced a bill to study RPCs in NH. That bill was ITLed. Last biennium a bill to abolish RPCs failed and now this is the third attempt to abolish RPCs. His experience shows RPCs have been under the radar and maybe chapter 36 needs a lot more scrutiny than it has been given. Transparency and accountability is poor. He feels the legislature should look into RPCs.
40. Meredith Hatfield from Officer of Energy and Planning said she was here to answer any questions.
41. **Rosemary Landry** from Meredith. Speaking without having filled out a pink card. She attends many RPC meetings and feels they never ask for her input or comment. The organization is not people oriented. There might be five or six people in the audience and they are never recognized. Many of their paperwork is from UNH Extension. She doesn't think Granite State Future is about NH. She agrees with Bernie and feels this should be looked at. She feels NH people should have a vote on the issue of keeping RPCs or not. Select boards are very clicky and they select members to RPC.
42. **Steve Schneider** of Enfield opposed the bill and Lucy Edwards of Northwood opposed the bill but both were no longer present when their pink cards came forward to the chair and did not speak.

Lucy Edwards Northwood – opposed  
Sen Carson Dist 14 - opposed

Respectfully Submitted



Representative Jim Bélanger  
Committee Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB 1573-FN

**BILL TITLE:** discontinuing regional planning commissions and requiring the election of municipal planning board members.

**DATE:**

**LOB ROOM:** 301      **Time Public Hearing Called to Order:**

**Time Adjourned:**

(please circle if present)

**Committee Members:** Reps. Porter, Tatro, Hooper, Roberts, Malloy, Carson, Lavender, Enman, S. White, Verschueren, Vail, Stroud, Shackett, Danielson, Coffey, J. Belanger, Lockwood, Bickford, Copeland and Bishop.

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TESTIMONY

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House Committee on Municipal & County Government  
Public Hearing on HB 1573-FN

Re: Discontinuing regional planning commissions and requiring the election of municipal planning board members.

Porter, Marjorie	X	Tatro, Bruce	X	Bélanger, Jim	X
Bickford, David	X	Bishop, Franklin		Carson, Clyde	X
Coffey, James	X	Copeland, Timothy	X	Danielson, David	X
Enman, Larry		Hooper, Dorothea	X	Lavender, Tom	
Lockwood, Priscilla	X	Malloy, Dennis	X	Roberts, Kris	X
Shackett, Jeff	X	Stroud, Kathleen	X	Vail, Suzanne	
Verschueren, James	X	White, Syndi	X		

LOB Room 301  
Hearing called to order:  
Hearing Adjourned:

Date: 16 January 2014  
1:00 PM

**Testimony**

\* indicates written testimony or amendment submitted.

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10. Tyson Miller, selectman in Canterbury, oppose the bill. I am a member of the local RPC board. I can't disagree with a lot of the things said by previous speakers. Forcing towns to elect Planning Board members is something I am against. Towns should maintain the ability to have that option and not have it mandated by the State. We have no planners and no staff to do the planning work and we depend on the RPC to provide that expertise. They have helped us with broadband, reliance on older people because young folk are

leaving town, aquifer protection, regulations involved with our Master Plan, brought in the State for traffic issues when we were unable to get the State to come in, safely getting our kids to school. We have an upcoming issue with a campground coming to town which will increase the size of our town by 50% and RPC will help us with that.

11. Representative Butynski, Cheshire 1, oppose the bill. My home community of Hinsdale has positive results from our RPC. Different matters have been addressed which would have cost Hinsdale a lot of money if they had not been available. I believe you should ITL the bill.
12. \* Jeremy Olson, Grafton Planning Board, supports the bill. Our planning board voted in a prior meeting to support the bill. We withdrew from the RPC a few years ago and have not been a part of them since.
13. \* Carol Miller, representing DRED. I am the director of broadband technology. On behalf of Commissioner Jeffrey Rose, I am here to oppose this bill. I've worked with all 9 RPCs with respect to broadband. I've found the RPCs to be helpful and they are NH citizens and are part of the economic engine that powers NH. Granite State futures has provided important input on broadband thru surveys.
14. \* Larry Cleveland, Rindge, supports the bill. I am in support of the bill and will submit my written testimony.
15. \* Christine (Walker) Frost, Director of Upper Valley Lakes region RPC, oppose the bill. Our dues only make up about 9% of our budget. The rest mainly comes from communities who hire us for our expertise. We rely heavily on federal dollars because that allows us to do the work that communities need. We are held accountable and have to report to the feds for the work we do when accepting their dollars. We only receive less than 1% of our budget from the State.
16. Bill McNally from Windham, supports the bill. I want to introduce literature I have gathered for you.
17. P Michael Fimble, NRPC Commissioner, Mont Vernon, oppose the bill. I am here as a private individual. As a selectman in Mont Vernon, I can't support this bill. NRPC helped us get digital tax maps, road management and maintenance, hazardous waste and communication between the towns are all areas where NRPC have been instrumental. Certain functions of RPCs are paramount and we should be looking at individual functions they perform and only address the ones we don't think are needed.
18. Joe McCormack, Belmont, support the bill. I feel the federal government comes into the State and helps us with strings attached. I just don't trust them.

19. \* Will Stewart, Manchester Chamber of Commerce, oppose the bill. We have an excellent working relationship with our RPC and hope the committee opposes this bill. 13 communities have voluntarily joined our RPC and they would not do that if they didn't feel they were an excellent value. If not, they are free to leave.
20. \* Ken Eyring, Windham NH, support the bill. He read issues contained in his handout which shows underlying motives that are not disclosed in publications from Granite State Futures including Agenda 21 items and others. When requesting minutes of some committee meetings, he was told no notes were taken. Most of the people serving on these RPCs are not elected officials and not accountable to the voters.
21. Thomas Mahon, NH Rail Transit Authority Chair, oppose the bill. This bill would eliminate a lot of our board members. We have no money, we have no staff, we rely on the RPC to examine the feasibility of commuter rail in NH. I serve on the town council in Merrimack and have had dealings with the RPC and they have been a tremendous help with transportation issues. They have a lot of information we don't have. Without their assistance we would be spending a lot more money in managing the growth of our community.
22. Thomas Young, Litchfield, oppose the bill. I am representing the Litchfield Planning Board. OEP says they only need 2 people to do what the RPCs do with 80 staff. Appointed planning board members currently have the needed qualifications needed to fill the positions and, if elected, they may not.
23. Robert Daniels, selectman in Alton, supports the bill. I am not representing anyone but myself. The federal government has too much influence in influencing local issues. I don't think the government should have a role in broadband. I suggest reading some of the reports put out by the RPCs and see that they don't have any real practical value to small towns.
24. Joann Duffy, Hooksett, Commissioner of SO NH RPC, town planner for Hooksett, elected zoning board member for Goffstown, oppose the bill. Hooksett only has two staff people in the planning department and we would never be able to do our work without the assistance of the RPC. 20 years ago, we could rely on OSP (office of state planning) but due to budget cuts, they are no longer available as they used to be. I think there are pluses and minuses on the issue of elected planning board members but I feel towns should have that option.
25. Martha Spaulding, Salem, support the bill. I am not in favor of a police state and believe the NSA has too much authority. Concerned: about lack of oversight, top down centralized authority supported by Granite State Future, erosion of liberty. When the federal government places too many restrictions on a federal grant, it becomes coercive.

She feels the federal government is encroaching on areas protected by our 10<sup>th</sup> amendment.

26. Laura Scott, community development director, Windham and represents the Windham board of selectmen. Towns should have the choice of belonging to an organization and this bill would take away that choice. We left one planning Commission and went to join another, our choice. We have an elected planning board. Nothing in the last five years has shown me that we were being forced to adhere to the RPC, the opposite is true. We feel they work for us, the town. The town meeting, annually, decides if they want to stay with the RPC and pay the annual fees. The selectmen appoint the members who represent the town at the RPC. I believe it is "bottom up" and not "top down".
27. \* Susan Olsen, Warner, representing herself, supports the bill. I am a recovering lobbyist. She cited the NH chapter that authorized the RPCs. RSA 672-678 recodified the regional planning commission statutes and noted that mandated public funding might be necessary to help RPCs who are in need of funding. RPCs are not subject to RSA 32 and 33, the budgeting statutes. RPCs are political subdivisions and are not held accountable.
28. Rick Davies, Warner, Planning board and rep to RPC, opposed the bill. Listed some projects they are working on with the help of the RPC. He agrees that planning board elections or appointments should be decided by each community.
29. Hon Omer C Ahern Jr, Plymouth NH, ex state rep, current ZBA member, supports the bill. Whatever we can do to reduce the burden on our people. Feels a lot of people who testified have vested interests in keeping this as is. Feels this regional concept is one more layer of government which impedes our self governance.
30. Bill Duschatko, Bedford NH, Opposes the bill. Bill is poorly thought out and appears to be the result of a well organized lobby group. As a commissioner of our local RPC, he feels his unpaid position works hard to rid municipalities of unneeded regulations. Their number one effort is to reduce local, state, and federal regulations.
31. \* Rebecca Ohler, NH Department of Environmental services. Dept is opposed to this bill. We take no position on the election of planning board members. RPCs help us with hazardous waste collection and many other projects we cannot afford to do on our own. Flood control needs to be done on a regional basis, for example. Brownfields are another area where RPCs are a great help.
32. \* Warren Hutchins, Laconia, chair of Laconia planning board, oppose the bill. Laconia planning board is appointed for a three year term by the city council. Laconia is the largest paying member of the RPC and he feels it is a good value. As a member of the

Lakes Region Planning Commission he works with a lot of surrounding communities including those which the sponsor of this bill represents.

33. Edwin Smith, Hinsdale, Opposes. Represents himself but has 7 terms as a State Rep. Small towns in NH don't have the enough people in them to have representatives to get things passed in the legislature.
34. Peter Griffin, Windham, opposes the bill. Has served on RPC for over ten years. Feels they are very valuable. Value or RPCs is invaluable to the town. Granite State Future was adopted by the Board of Selectmen after 6 hours of testimony over several selectmen meetings. This bill would eliminate the entire planning efforts in NH. This bill would make volunteers be lesser individuals.
35. Camille Lockwood, Temple, opposes the bill. If it ain't broke, don't fix it. If RPCs are running well, why derail them. She feels others have addressed many of her issues so she will speak about rivers. The Rockingham Planning Commission, dealing with ten towns, were invaluable in making the towns work together in addressing river issues. She is an elected member of the planning board.
36. Mona Perreault, Temple, supports the bill. She feels property rights and local control are important to her. She feels the federal government is controlled by the UN and is interfering with her property rights. She took time off from her business to be here because it is all about big government. She feels the well water she uses is not a concern of the federal government and she should not have to file reports on her water or how many miles she travels. She feels RPCs, if you read their literature, has their philosophy based on UN things.
37. \* Frederick McGarry, Deerfield, opposes the bill, represents himself. Has been a planning board member over 30 years and has been both an appointed and an elected member of that board. In his 30 years, he has never had anyone from the UN attend any of the meetings. He urges ITL. RSA 147A establishes hazardous waste board which has a fifth member from the RPC. Otherwise, all members are governor appointees.
38. Louis Archambault, Rochester, no position. He feels the RPCs have a social agenda. He cited examples of local officials (from RPC?) who came to his property and pointed out areas which needed changes with regard to vegetation and stones in culverts which affected water flow. He suggested NH was the only hold-out in the region becoming a solid blue state. Grants and funding only expand government fiefdom and power. After testimony, he said he supports the bill.
39. Bernie Folta, Claremont, represents himself, opposes the bill "BUT". This is how he listed it on the pink card. He is not in favor of abolishing RPCs but he wants to plant a seed. A former rep introduced a bill to study RPCs in NH. That bill was ITLed. Last

biennium a bill to abolish RPCs failed and now this is the third attempt to abolish RPCs. His experience shows RPCs have been under the radar and maybe chapter 36 needs a lot more scrutiny than it has been given. Transparency and accountability is poor. He feels the legislature should look into RPCs.

40. Meredith Hatfield from Officer of Energy and Planning said she was here to answer any questions.
41. Rosemary Landry from Meredith. Speaking without having filled out a pink card. She attends many RPC meetings and feels they never ask for her input or comment. The organization is not people oriented. There might be five or six people in the audience and they are never recognized. Many of their paperwork is from UNH Extension. She doesn't think Granite State Future is about NH. She agrees with Bernie and feels this should be looked at. She feels NH people should have a vote on the issue of keeping RPCs or not. Select boards are very clicky and they select members to RPC.
42. Steve Schneider of Enfield opposed the bill and Lucy Edwards of Northwood opposed the bill but both were no longer present when their pink cards came forward to the chair and did not speak.

Respectfully Submitted

Representative Jim Bélanger  
Committee Clerk

# Testimony



January 16, 2014

The Honorable Marjorie Porter, Chair  
House Municipal & County Government Committee  
Legislative Office Building, Room 301  
Concord, NH 03301

**Subject:** *HB 1573, relative to discontinuing regional planning commissions and requiring the election of municipal planning board members.*

Dear Representative Porter and Committee Members:

The New Hampshire Planners Association, representing over 200 land use planning professionals in our state, working at all levels of government and in the private sector, takes this opportunity to express its opposition to HB 1573 which proposes to abolish New Hampshire's regional planning commissions and mandates that all municipalities provide for the election of planning board members.

With respect to regional planning commissions, these bodies are integral in helping municipalities meet their growing needs for housing and transportation, and serve as a catalyst for developing partnerships between federal, state, and local players and between private sector investors and non-profit foundations. For all 234 municipal members, abolishing the regional planning commissions will mean losing the ability to pool resources to cost effectively collaborate on shared services as well as regional planning, natural resource protection, infrastructure, and economic development initiatives. HB 1573 will also wreak havoc in the 45 communities who do not have professional staff and depend on the expertise of their regional planning commission to provide technical assistance to their Planning Boards and Conservation Commissions.

With respect to mandating all municipalities to provide for the election of planning boards, we believe that both that provision – as well as the abolition of regional planning commissions - runs afoul of New Hampshire's strong tradition of local control. We recognize that there are positives and negatives associated with both appointed planning boards and elected planning boards. However, there is no evidence in our experience that demonstrates one is clearly superior to the other, and so much so that the state legislature should abrogate local control and remove the ability of municipalities to choose the type of board that best suits their community.

The abolition of the regional planning commissions would affect not only a significant step backwards in the ability of municipalities to find regional solutions to shared problems but, together with the top down mandate that planning boards be elected, would also serve as an unnecessary affront to the principle of self-governance. For these reasons, we urge your committee to recommend that HB 1573 be found "inexpedient to legislate". Thank you for this opportunity to provide comment on the bill.

Sincerely,

Timothy J. Corwin, Esq.  
NHPA Legislative Liaison



Town of Grafton Planning Board

January 15, 2014

**Endorsement of HB 1573**

Greetings,

The Town of Grafton Planning Board endorses House Bill 1573, "An act discontinuing regional planning commissions and requiring the election of municipal planning board members." We voted to endorse this bill at our January 7, 2014 meeting.

Grafton's Planning Board withdrew from the Upper Valley Lake Sunapee Regional Planning Commission several years ago. We believe that regional planning commissions only serve to encourage planning boards to find ways to infringe upon the rights of private property owners—harming, rather than helping, the towns and people they claim to serve. Our planning board takes the approach of respecting private property rights, and as such, we have no need of these regional organizations.

In 2012 the Town of Grafton Selectmen floated a warrant article to replace our elected Planning Board with one comprised of individuals appointed directly by the Selectmen themselves. Some of our Board members worked hard that year to convince the townspeople to vote against this warrant article, and it was fortunately defeated at the polls—by an overwhelming majority. If towns are to have planning boards, we strongly support the right of the citizens to directly elect their members, and would welcome a state statute that eliminates the ability of town governments to appoint board members answerable to them alone.

Sincerely,

Brian Fellers, Chairman  
Town of Grafton Planning Board

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HOUSE BILL 1573-FN

AN ACT discontinuing regional planning commissions.

Testimony from Carol Miller, Director of Broadband Technologies

Division of Economic Development, DRED

Good morning Chairman and members of the Committee. My name is Carol Miller and I am the Director of Broadband Technologies at the Division of Economic Development

I am here on behalf of the Department of Resources and Economic Development. I am also here on behalf of Commissioner Jeffrey Rose. Our agency strongly opposes HB 1573, which would abolish Regional Planning Commissions.

When the Division of Economic Division or other members of our agency work with communities and with the businesses we use many resources and engage many partners to help with response towards issues and opportunities to achieve our economic goals. One of our valued partners is the regional planning commissions. Having the Regional Planning Commissions to facilitate and coordinate public input on the local front is simply good economic strategy. We have benefited from their presence, as regional planning commissions they have assisted the Department on several fronts: communication and planning services for communities, mapping of infrastructure needs, tourism campaigns, assistance with business recruitment, and administration of economic development assistance grants. They are the gatekeeper for and supported by federal economic development funding sources who really on their expertise and community relationships to gauge and measure fundable projects that support economic development efforts across the state. Each commission unique in it's reach and developing initiatives that meet the demographics of the geögraphy they serve.

For example in my world of broadband I've had the pleasure of working with all 9 regional planning commissions as they are working on regional broadband plans that will be the basis for a statewide plan. Their work is important to our future with regards to realizing the shortcomings, perception, and the promoting of broadband initiatives around the state. In addition they have coordinated other resources to enhance the data collection efforts and public input needed to provide a regional look at broadband and needs on a community by community, sector by sector basis.

Regional planning to unifying communities towards wise growth in a State where county structure or other regional collaboration is not as robust, is an effective way for communities to understand the implications of their growth, and their need to recognize that business recruitment and expansion sometimes cares less about our borders, and more about regional support with regards to services, housing, and workers. Having regional planning commissions provides a level of support complimenting town services and chamber efforts statewide. Given that towns decide whether to access their services; given the relatively small amounts provided to the planning commissions at the State level, is a solid return on investment, since many towns simply lack the planning resources on their own, we offer nothing but support for this effective group of planning commissions. Our State economy has benefited from their activities; to abolish the commissions, would be a likewise blow to economic development and our ability to recruit and expand businesses within the State.

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Good afternoon, my name is Larry Cleveland. I am the founder of Save Our Town. A group I formed in Rindge to fight against the very plans that Granite State Future, the controlling entity of the regional planning commissions, are trying to implement in many towns in the state. I am here today in support of HB 1573. I believe that the regional planning commissions were set up in the late 60's for something much different than what they are being utilized for now. The plans that they are trying to push into many towns in this state are being touted as great for the sustainability of these towns. These plans are being funded by HUD, and are backed by the EPA, and the DOT. I ask, if these plans are so great for the state, why are our elected officials being bypassed in the decision making? Keep in mind that the members of these commissions are appointed, not elected, bureaucrats. My concern, if this bill does not pass, is that towns will lose all local control, and our elected voice will not be heard. The government is supposed to be for the people, not bypass them. That is exactly what these commissions are doing. They have out lived their purpose. They have no place in a state whose motto is "Live Free or Die".

Thank you.

Respectfully,

Larry Cleveland

26 S. Woodbound Rd.

Rindge, NH 03461



## Upper Valley Lake Sunapee Regional Planning Commission

January 16, 2014

The Honorable Marjorie Porter, Chair  
Municipal and County Government Committee  
NH House of Representatives  
Legislative Office Building, Room 301  
Concord, NH 03301

Dear Chairman Porter and Members of the Committee:

The Upper Valley Lake Sunapee Regional Planning Commission (Commission) has been providing professional planning assistance to municipal boards since 1963 when it was the Upper Valley Development Council. The legislature empowered the municipalities within New Hampshire to create regional planning commissions in order to assist with issues that crossed municipal boundaries and to assist with coordinating all aspects of planning, to act as a liaison between local and state/federal agencies and to provide advisory technical assistance on land use issues and development. We serve 27 communities from Piermont to Charlestown along the Connecticut River and from Wilmot to Washington to the east.

Revenue for the Commission in fiscal year 2013 was \$1,148,364. About 16%, that \$183,740, of last year's revenue was received through local contracts with municipalities over and above dues, demonstrating both the need and value of services provided. Currently, 93% of the municipalities within the region are members of the Commission. The Commission has emphasized the importance of diversifying its funding in order to best serve its members and currently receives funding apart from the municipalities, from more than 35 sources including non-profits and housing associations. About 25% of Commission revenue came from the Unified Planning Work Program utilizing Federal Highway Administration funding administered by the NH Department of Transportation. Other state and federal funding sources include USDA Rural Development, EPA funding distributed through NH Department of Environmental Services and FEMA administered by the NH Department of Safety - Homeland Security and Emergency Management.

The Commission receives \$10,801 from the state of New Hampshire through the NH Office of Energy and Planning; this is less than 1% of the Commission's revenue. The funding is essential to providing technical assistance to our communities. Without it the Commission would need to increase its municipal dues. The NH Office of Energy and Planning was the only fiscal note outlined in HB1573, as it represents less than 1% of the Commission revenue, we believe the bill's impact to the State of NH would be significantly greater than outlined in the fiscal note.

Local dues from municipalities support just under 9% of the budget. Dues received in 2013 were \$108,190, demonstrating significant support for the organization. These membership dues from communities and counties leveraged approximately \$632,751 in federal funding to assist municipalities within the region with such necessities as Hazard Mitigation planning that is required in order for communities to receive assistance from FEMA in the event of a natural disaster.

In FY 2013, the Commission provided more than 3,800 hours of direct technical assistance to member communities at a cost of approximately \$28.40 an hour. This included answering questions regarding telecommunications applications that were being presented to local planning boards, to assisting communities with applications for funding for downtown infrastructure improvements. It was estimated that membership in the organization saved taxpayers more than \$80,000 throughout the region.

The Commission consists of representatives appointed by the leadership of each member municipality or county. These appointed Commissioners are citizens-at-large, elected officials, and leaders within their communities who are actively engaged in the oversight of both the financial and programmatic aspects of the organization.

The Commission was engaged in over 46 projects within the region this year and has increased its capacity to serve the communities of the region. Projects sortable by communities, funding sources, audits and information on the Commission is all on our website at [www.uvlsrpc.org](http://www.uvlsrpc.org).

Please feel free to contact us at (603) 448-1680 or email me at [cfrost@uvlsrpc.org](mailto:cfrost@uvlsrpc.org) if you have any questions or would like to learn more about the work that we do for our region.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christine Frost', with a long horizontal line extending to the right.

Christine Frost  
Executive Director

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54 Hanover Street  
Manchester, NH 03101  
Office: 603.666.6600  
Fax: 603.626.0910  
[www.manchester-chamber.org](http://www.manchester-chamber.org)

Jan. 16, 2014

**RE: Manchester Chamber OPPOSES HB 1573**

Dear members of the House Municipal and County Government Committee:

On behalf of the nearly 1,000 member businesses of the Greater Manchester Chamber of Commerce, I ask you to oppose HB 1573, which seeks to eliminate the state's regional planning commissions (RPCs).

In recent years, our local RPC, the Southern New Hampshire Regional Planning Commission, has been an important and invaluable partner with this Chamber on a number of economic development initiatives and projects, including the Access Greater Manchester economic development initiative, and the Certified Sites program.

With regard to the critical role that RPCs play in our state, I will also note that:

- It is each town's voluntary decision whether or not to join and participate in the RPC. They affirm that decision each year when they decide to pay membership dues. The vast majority of towns make the decision to participate (13 out of 14 in our region and 91 percent statewide) because, presumably, they find it useful and beneficial to participate. If for some reason they do not, now or in the future, they are free to withdraw their membership.
- If state funding is the concern, you should be aware that the general fund contribution to the nine RPCs last year totaled \$100,000 - about \$11,000 per RPC, or two percent of the average RPC budget. RPCs earn most of their funding each year by earning grants, and providing services to towns and state and federal agencies under contract.
- RPCs save communities money by providing low-cost planning services and by helping to obtain grants; (for every \$1 in dues received, SNHPC brings in more than \$8 in planning grants and services to our municipalities in the region).
- RPCs provide critical planning advice and assistance to smaller communities that do not have planning staff; we also provide municipalities with a much needed forum to work cooperatively to solve regional problems.

Again such, we respectfully request that you oppose HB 1573. Thank you for your consideration of our position.

Regards,

Robin Comstock  
President and CEO

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The  
**Granite State Future**

and how it empowers

**Regional Planning  
Commissions**

to Bypass Elected Representation

Delivered to NH State Representatives  
Legislative Office Building, Rm 301  
January 16, 2014

## LOSS OF ELECTED REPRESENTATION

The stated goal of the Granite State Future (GSF) program is to produce **nine regional plans and one integrated Statewide Development Policy Framework**. The program is promoted as "grass roots" and "bottom up", but nothing is further from the truth.

Instead, the top-down planning is driven from the federal agencies of HUD, EPA and DOT via their \$100M nationwide Sustainable Communities Initiative (SCI) program. The GSF program is an umbrella program to implement the SCI program, and it comes with mandatory outcomes that are legally binding. Many of the goals seek to regulate virtually every aspect of our lives... including housing, water, natural resources, transportation, land use, economic development, energy, cultural and historic resources, public health, education, environmental planning, energy and climate change. The GSF program goes way beyond the original intent of regional planning for our roadway infrastructure.

More importantly, the federal government has created a mechanism to bypass local and state elected government oversight. The structure of the GSF program provides a direct conduit for federal and state agencies, as well as Pay-to-Play Special Interest Groups, to have a direct conduit into defining NH State Policy. Those policies will then be implemented by the NH agencies that are GSF "partners" as part of their contractual agreement for participation in the program.

The organizational structure of the GSF Program was designed *in secret* by representatives of the program's partners while meeting as the "Transportation Landuse Roundtable Committee". This statement is confirmed by Kerrie Diers, NH's lead point of contact with HUD to implement the SCI program in NH (see Appendix A).

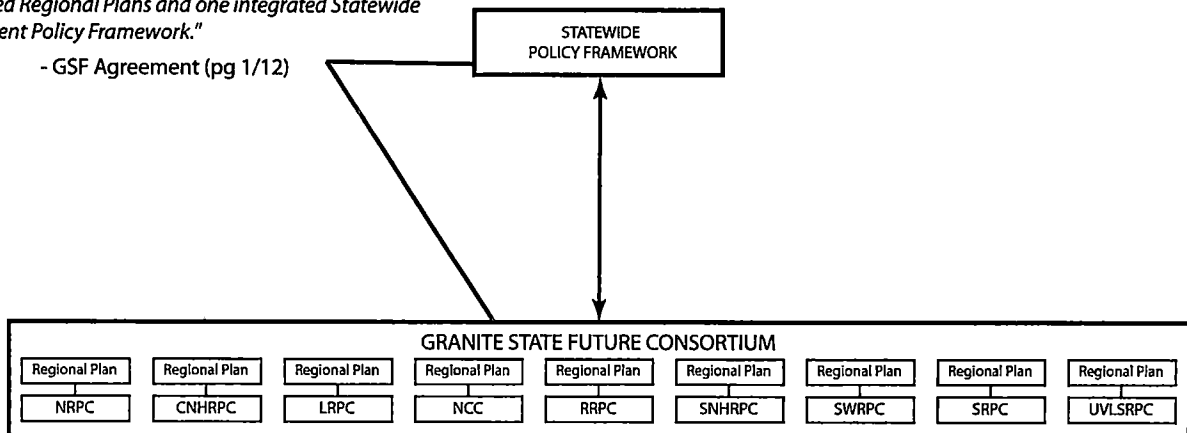
The six charts below are incrementally built using excerpted language (included with each chart) from the legally binding agreement with HUD. The final chart reflects how the GSF partners have defined a structure that successfully usurps local and state elected government.

This chart shows the goal of the GSF program is to define nine coordinated regional plans and one integrated statewide development policy framework.

### GRANITE STATE FUTURE

*"Whereas, a partnership has been created, comprised of the State's nine Regional Planning Commissions, cities, towns, counties, state agencies, quasi-governmental organizations, the University of New Hampshire, and non-profit organizations to work cooperatively in the development of nine coordinated Regional Plans and one integrated Statewide Development Policy Framework."*

- GSF Agreement (pg 1/12)



It is important to bear in mind that one of the "Mandatory Outcomes" of the SCI program requires;

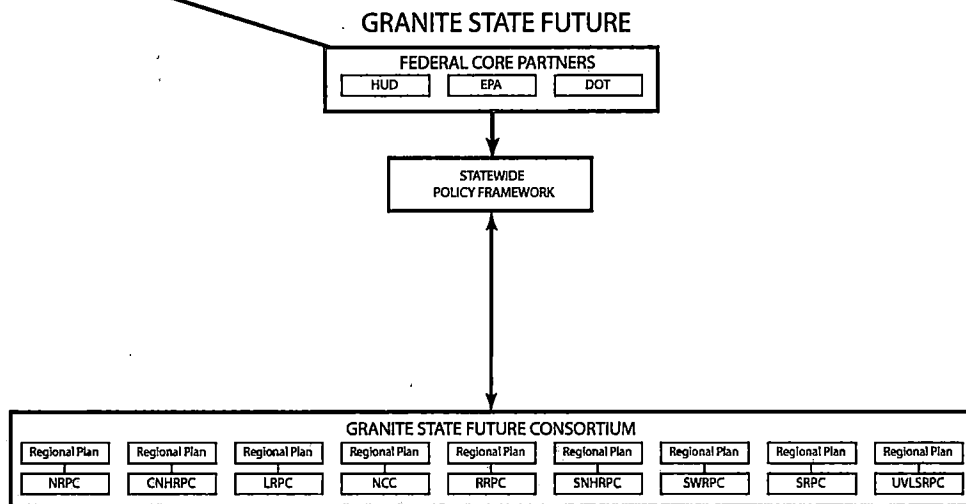
***"Aligned federal planning and investment resources that mirror the local and regional strategies for achieving sustainable communities."*** – HUD NOFA (pg 60, "Mandatory Outcomes" section)

The GSF program extends the planning process to include an aligned and "integrated Statewide Development Policy Framework". Upon completion of the GSF/SCI program, all local, regional and statewide plans **will** mirror federal planning.

The next chart shows the SCI program is not "advisory only" as the GSF proponents claim. HUD is clear in its legally binding documentation that there will be "substantial involvement of HUD staff to enhance the performance of the grantee in the completion of their deliverables". HUD, the EPA and DOT manage the program from the top down, with mandatory outcomes that are clearly documented.

**"HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission."**  
 – HUD NOFA document (pg 63)

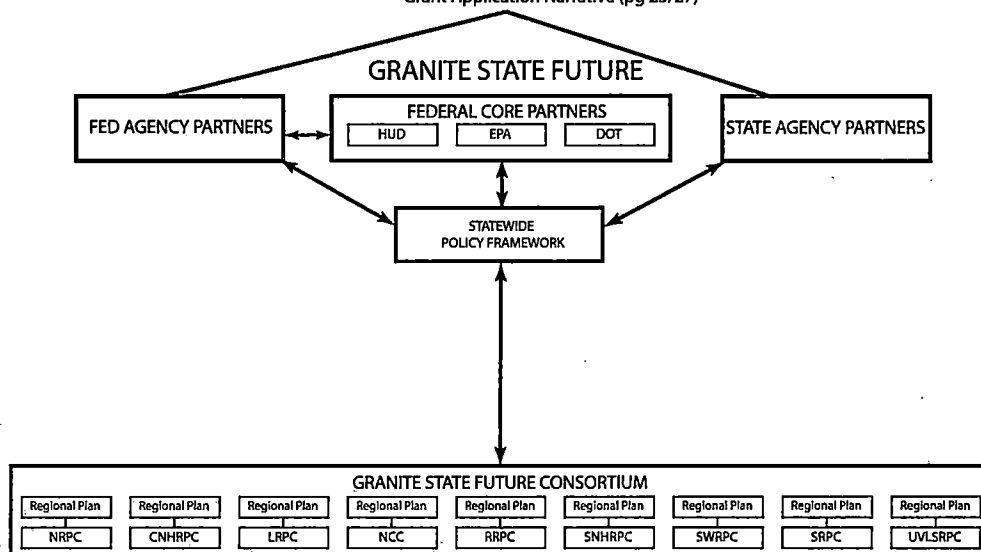
*"The Cooperative Agreement allows for substantial involvement of HUD staff to enhance the performance of the grantee in the completion of their deliverables."*  
 – HUD Terms and Conditions document (pg (18/27))



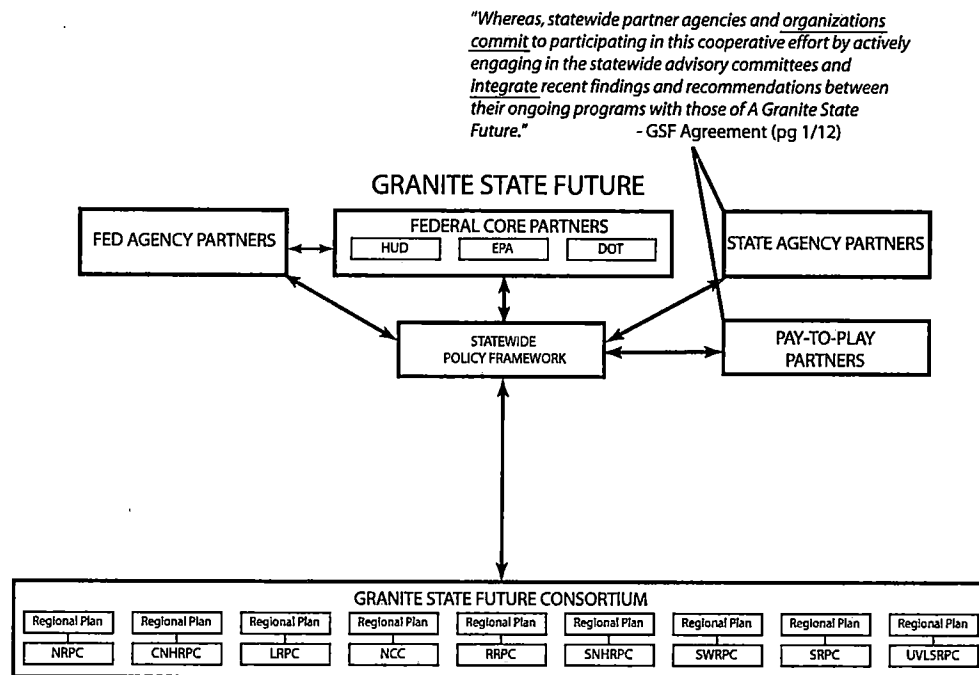
*The RPCs are comprised of paid, unelected bureaucrats, and appointed (volunteer) representatives from each member town. The RPCs operate one level removed from local elected government.*

The next chart shows the GSF/SCI program provides a direct conduit for Federal and State Agencies to "integrate" their policies into each Regional Plan. By agreement, those policies will then be cross integrated back into the respective federal and state agency programs... enabling direct federal and state bureaucratic input with little to no oversight from local and state elected government.

*"Each of the regional planning commissions will integrate its Regional Plan for Sustainable Development (RPSD) into other federal and state funded initiatives, as well as, integrate the work of these other programs into the RPSD."*  
 – Grant Application Narrative (pg 25/27)



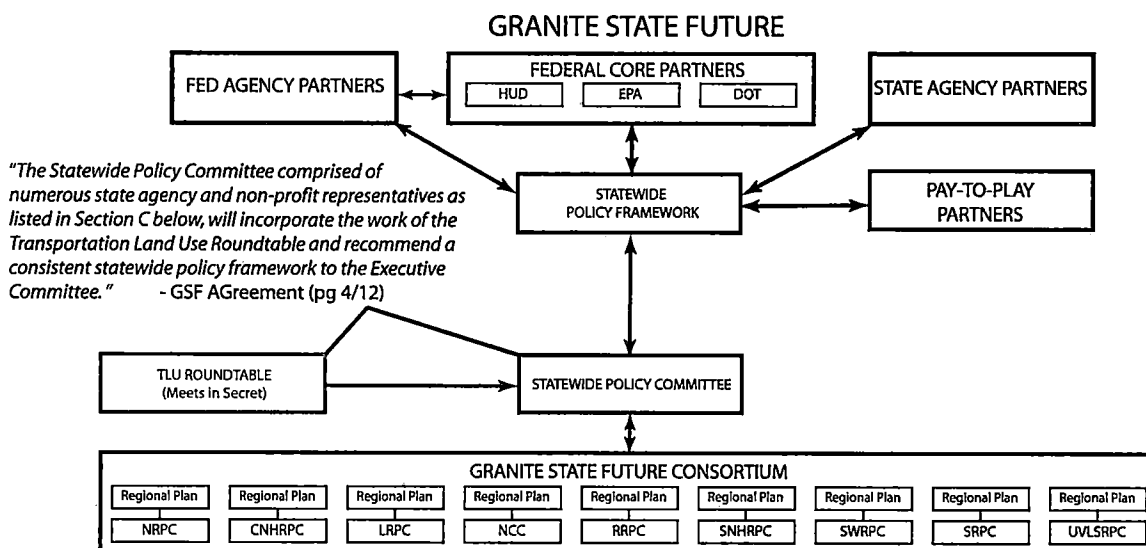
This chart adds hand-picked, pay-to-play Special Interest Groups that were chosen by a secret committee to become Pay-To-Play partners. These Special Interests are now empowered with direct input into the local, regional and statewide planning process... again, with little to no oversight from local and state elected government.



The provisions that bypass our local and state elected representatives, and empower direct input from Federal Agencies, Special Interest Groups and the RPCs into statewide policy are violations of the NH Constitution; Article 2 [Natural Rights], Article 7 [State Sovereignty] and Article 8 [Accountability of Magistrates and Officers; Public's Right to Know].

The structure of the GSF program was designed by the TLU Roundtable in secret, with no history of meeting minutes for public review (See Appendix A). The TLU Roundtable is comprised of people that represent virtually all of the GSF program's State Agencies and "Pay-To-Play partners – giving these organizations a considerable amount of non-public, unelected bureaucratic influence/control over local, regional and statewide policy planning and implementation.

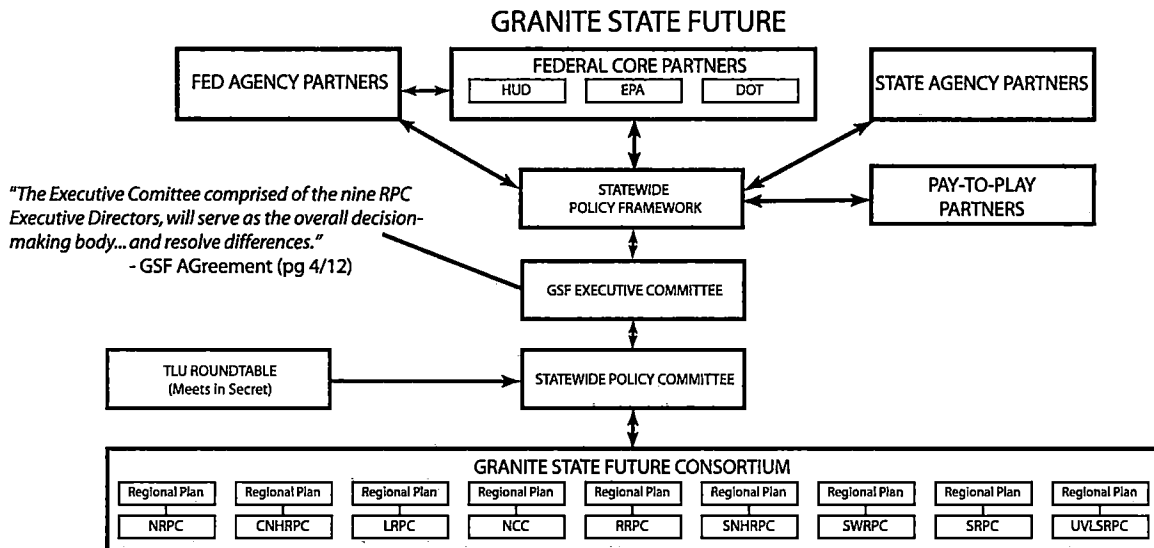
**The Statewide Policy Committee (SPC)** "will incorporate the work of the Transportation Landuse Roundtable and recommend a consistent statewide policy framework to the Executive Committee". The SPC is comprised of unelected bureaucrats and operates two levels removed from local elected government.



**The Executive Committee** is empowered with overall decision-making authority.

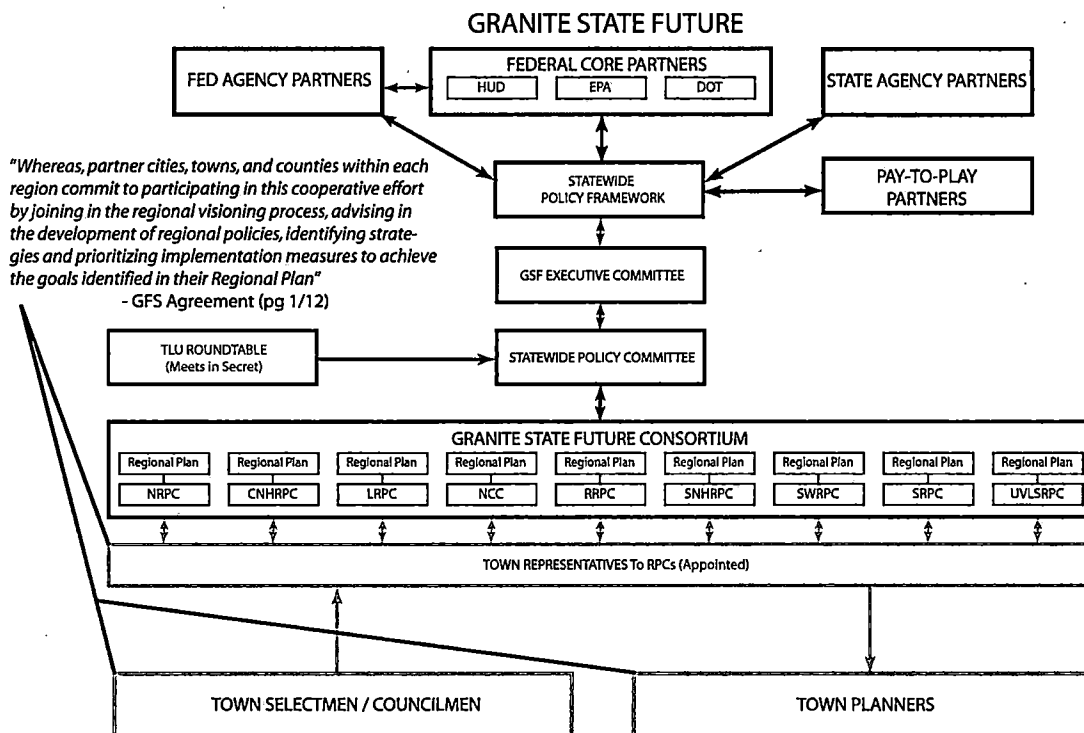
**"The Executive Committee** comprised of the nine **RPC Executive Directors**, will serve as the **overall decision-making body** to allocate resources, set goals, **guide program alignment between regions**, monitor progress, establish common methodologies, ensure overall coordination and efficiencies, **and resolve differences.**" – GSF Agreement (pg 4/12)

The Executive Committee is comprised of unelected bureaucrats and operates three levels removed from local elected government.



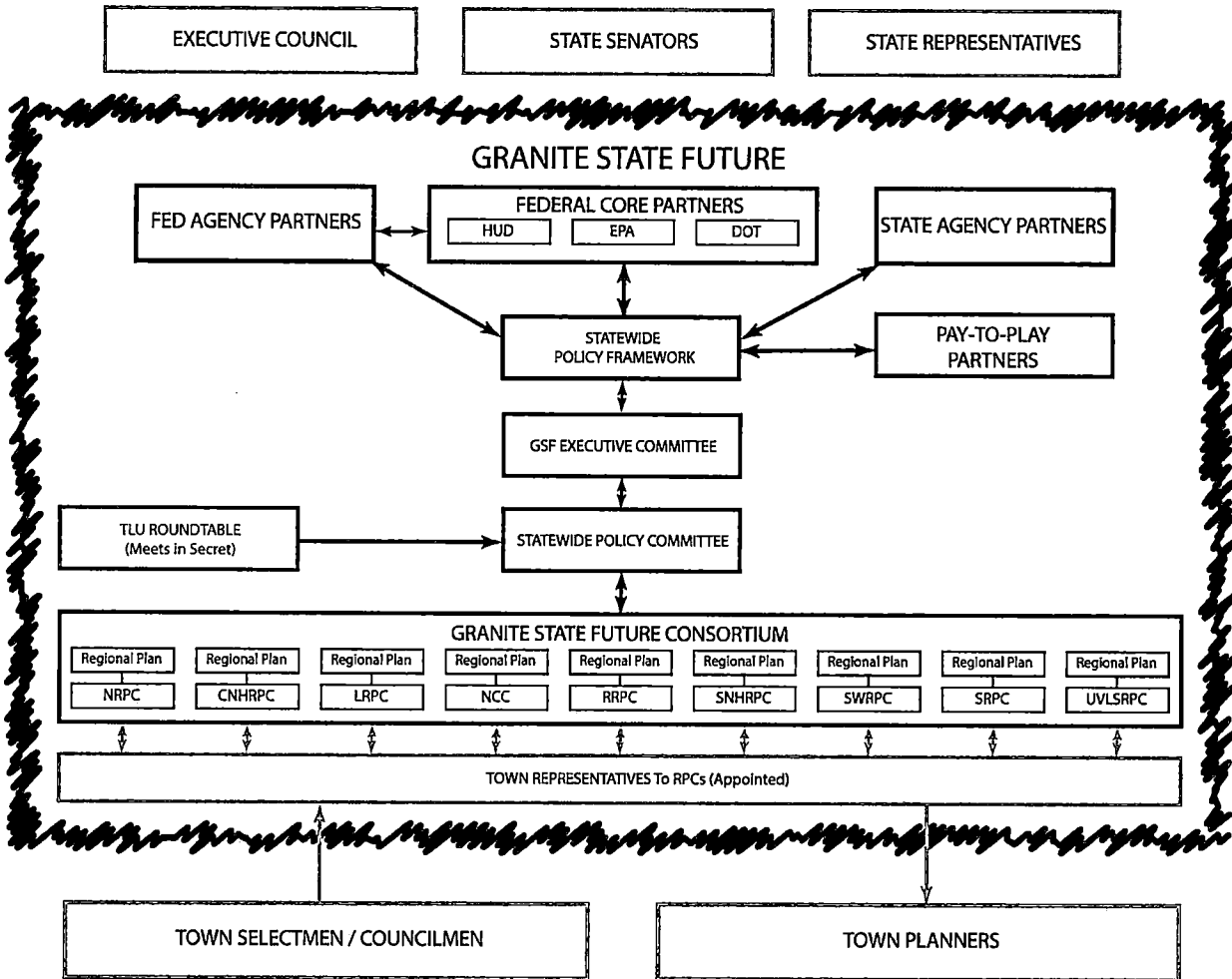
Each participating town has appointed representatives to their respective RPC, whether or not they sign the GSF Agreement. Towns are enticed to sign the Agreement so they can "have a seat at the table", even though there is no guarantee that signatory towns will have representation on any of the committees. More importantly, input from town representatives is severely constrained by HUD's requirement that local planning align with federal planning.

By signing the Agreement, towns commit to "prioritizing implement measures to achieve the goals identified in their Regional Plan" – **before** it is defined.



The Organizational structure was designed in secret. The planning process excludes direct input from virtually every elected official; Selectmen. Planning Board, State Reps, Senators and Executive Council.

*"HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission." - NOFA (pg 63)*



The Governor's office is not excluded in the chart above, because the work of committees that he created via executive order (e.g. the Water Sustainabilities Committee), is mandated to be included in the final plans.

Once the planning work is completed, the deck has been stacked to breeze through the implementation process – because many of the people who will endorse the plans on behalf of the state, were represented by people who wrote the plans.

*"The EC (Executive Committee) will seek endorsement of the plan by the NH Council on Resources and Development, **predominantly comprised of NH SCI state agency partners, which will help to ensure that state agencies institutionalize the plan and that sources of funding align with the plan.**"*

- GSF Detailed\_ScopeofWork document (pg 16/16)

The local, regional and state plans that are produced under this program with little to no elected government oversight, will align with federal plans.

*"HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission." - HUD NOFA document (pg 63)*

### The Vision of the Transportation Landuse Roundtable

In an email response to my request, Ms. Diers made it clear that the T/L-U meetings were held in secret (See Appendix A).

*"We do not have minutes from the TLU. We have provided the meeting notes and work products to you. The TLU was an ad-hoc committee convened by the NH Charitable Foundation which is not a public agency or public body. We have provided the information to you because they are considered governmental records that were received by our office."*

As you look over the T/L-U document she sent (Appendix B), please note on page 1 how they have defined a need for someone to define "an over-arching vision for the State of New Hampshire as a whole".

On page two, you will see they have bestowed upon themselves the honorable title; "The Keepers of the Flame". As you scroll down page 2, you will see their vision of the organizational chart. It is eerily similar to the one above, that was constructed using excerpts from the legally binding GSF Agreement.

The T/L-U organizational chart includes government entities and pay-to-play special interest groups, with the "NH Keepers of The T/L-U Flame" as the focal point. **Nowhere in the T/L-U chart is elected government represented.**

The T/L-U document goes on to state that;

*"In order to come to the table as a Keeper, an organization would have to have endorsed the Vision as an operating principle of its individual organization's work. Failure to perform could possibly be subject to challenge by other members."*

In other words... you have to go along to get along or you will not remain a "Keeper".

They concluded that to achieve "The Really Big Vision";

*"These Keepers need to meet with other Keepers on a regular basis to weave the silos together"*

Appendix C shows who participated in the secret T/L-U Roundtable discussions... virtually every agency and pay-to-play organization that is now a member and/or participant of the GSF program.

Appendix D lists the GSF program partners

### In Conclusion...

The GSF program usurps local and state elected government. With all due respect the Regional Planning Commissions have morphed into another layer of government that is outside your oversight.

Please vote to discontinue the Regional Planning Commissions and place control of our state planning back into your hands.

Appendix A – Kerrie Diers Response to 91-A Request for T/L-U Roundtable Documentation

**Subject:** RE: NH RSA 91-A Request 2 of 2

**From:** "Kerrie Diers" <KerrieD@nashuarpc.org>

**Date:** 09/27/12 10:19 PM

**To:** "Ken Eyring" <Ken@SouthernNH912.com>, "Karen Baker" <KarenB@nashuarpc.org>

**CC:** "Tim Roache" <TimR@nashuarpc.org>, <michael.a.delaney@doj.nh.gov>

Ken

We do not have minutes from the TLU. We have provided the meeting notes and work products to you. The TLU was an ad-hoc committee convened by the NH Charitable Foundation which is not a public agency or public body. We have provided the information to you because they are considered governmental records that were received by our office.

The committee members can be found in this document on line: <http://granitestatefuture.org/files/9613/4637/4268/StatewideAdvComm.pdf>

Kerrie

---

**From:** Ken Eyring [mailto:Ken@SouthernNH912.com]

**Sent:** Thursday, September 27, 2012 10:07 AM

**To:** Karen Baker

**Cc:** Kerrie Diers; Tim Roache; michael.a.delaney@doj.nh.gov

**Subject:** Re: NH RSA 91-A Request 2 of 2

Dear Karen,

In addition to the TLU Roundtable meeting minutes that appear to be missing, I also do not see a list of the members of this committee (as requested). I had expected to see the members listed online, similar to what the NRPC has posted on your website (link below) -- but it is nowhere to be found.

<http://nashuarpc.org/aboutnrpc/staff.htm>

In fact, the members of all of the committees and their contact information is not posted anywhere online at the GraniteStateFuture.org website. Would you please tell me where I can find this information?

Thank you,  
Ken Eyring

On 09/26/12 04:36 PM, Ken Eyring wrote:

Dear Karen,

Thank you for these documents. As I mentioned in my previous email, I will look them over and follow up with any questions I have. Upon a quick glance, it appears you did not include any meeting minutes for any of the meetings -- I see the meeting agendas but not the minutes for each meeting. If my assumption is correct, can you please send me all meeting minutes as well?

Best regards,  
Ken

On 09/26/12 03:35 PM, Karen Baker wrote:

Ken,

Per your request and as mentioned in my first email, you would be receiving 2 emails containing your request due to the file size.

Thank you

Karen M. Baker  
Program Assistant  
Nashua Regional Planning Commission  
9 Executive Park Drive, Suite 201  
Merrimack, NH 03054  
Ph: 603-424-2240 - Fax: 603-424-2230

## 2<sup>nd</sup> Report of the Land Use/Transportation Vision Sub-committee

Our first conclusion was that there needs to be an over-arching vision for the State of New Hampshire as a whole, not just a land use/transportation vision. We felt it needed three parts: A statement of breaking away from previous contexts, a statement about what the results would look like, and a notice that it was of critical importance to do this so as to position New Hampshire to be able to adapt to a changing and uncertain future. To that end, we offer the following:

### **A Vision for New Hampshire's Future: 2030**

Starting today, New Hampshire's citizens, businesses, and institutions will work to develop policies, practices, and choices that foster sustainable patterns of development, so as to:

- Conserve our working forests;
- Assure the availability of open space for agricultural production;
- Protect our high quality drinking water and watersheds;
- Foster more compact development;
- Create safe, healthy neighborhoods with homes affordable to all;
- Stimulate vibrant downtowns and village centers as important social and economic hubs;
- Provide strong, locally-based economies;
- Continue the New Hampshire tradition of neighbors helping neighbors.

These actions will enable New Hampshire communities to support the well being and meet the changing needs of our citizens, to reduce our reliance on fossil fuels, to preserve our natural resource systems, and to become economically resilient.

The thinking is that this Vision needs to be embraced broadly, and should guide many, many efforts in New Hampshire: Climate Change Taskforce, conservation efforts, EESE Board, local communities and boards: every single player with an impact on the future of New Hampshire!!

### **The Implementers**

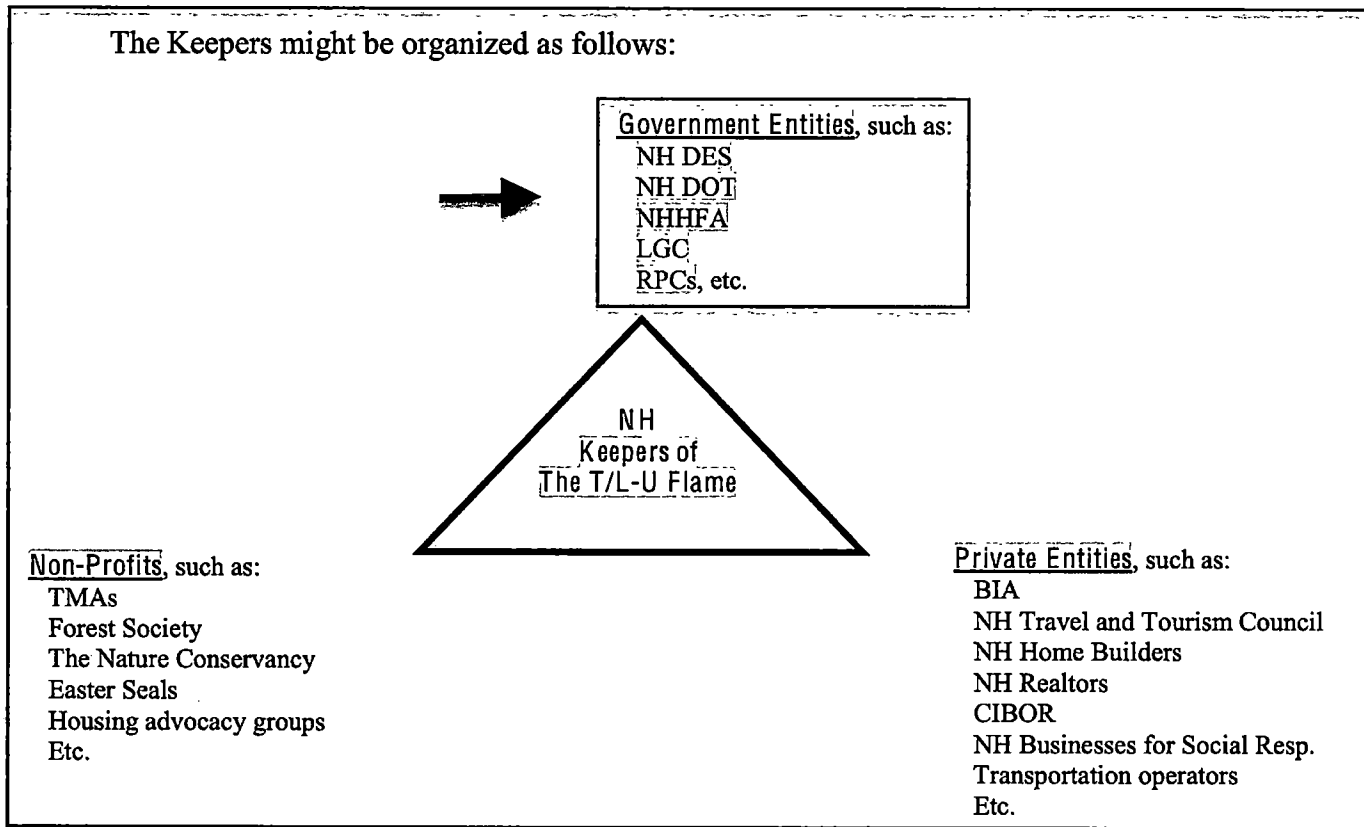
Within the specific area of Transportation and Land Use, in order to move forward, there needs to be better support of and dedication to the following, including, at a minimum:

- Transportation Management Agencies
- NH Rail Transit Authority
- State, County, Local government entities, abiding by the principles of RSA 9-B
- Regional Planning Commissions
- Improved funding for LCHIP, HCCP, similar programs
- Others

## The Keepers of the Flame

Thinking more broadly, there needs to be called into existence a Keeper of the Flame for Transportation and Land Use issues. It might be convened by the Governor, by the Legislature, or by the mutual agreement of several self-appointed entities. The Keepers group needs representatives from three groups at a very high level, the representatives being entities with political clout, leadership, authority, and the ability to spend or distribute money. The overarching goal of this Keepers group should be to see that increasing portions of New Hampshire's housing, jobs, and service needs are being met by in central places, from Downtown Manchester to Center Sandwich to Downtown Colebrook, as opposed to in the countryside surrounding those central places.

The Keepers might be organized as follows:



In order to come to the table as a Keeper, an organization would have to have endorsed the Vision as an operating principle of its individual organization's work. Failure to perform could possibly be subject to challenge by other members.

The Keepers should meet quarterly to share progress and concerns. They should issue an annual report that outlines their work, and which demonstrates progress towards increasing the number of central place housing units that are being created.

## The Really Big Vision

These Keepers need to meet with other Keepers on a regular basis to weave the silos together: Annually, bi-annually, or tri-annually as may be appropriate, but regularly.

## Transportation/Land Use Working Group

### Participants: Thursday, July 8, 2010

Kevin Peterson	(NH Charitable Fdn) (contact)
Kelly Clark	(AARP)
Melissa Hoffer	(Conservation Law Foundation)
Becky Ohler	(NH-DES)
George Campbell	(NH-DOT)
Cliff Sinnott	(Rockingham Regional Planning Commission)
Will Abbott	(Society for the Protection of NH Forests)
Ben Frost	(NH Housing)
Roger Stephenson	(Clean Air-Cool Planet)
Gabe Zoerheide	(Upper Valley Transportation Management Association)
Roger Hawk	(Plan NH)
Anne Duncan Cooley	(Upper Valley Housing Coalition)
Chris Skoglund	(NH-DES)
Stacey Doll	(NH Climate Collaborative)
Kerrie Diers	(Nashua Regional Planning Commission)
Jeanne Ryer	(Endowment for Health/State Coordinating Council on Transportation)
Sonke Dornblutt	(UNH Institute of Disability)
Joanne Cassulo	(NH-OEP)
Bill Norton	(Norton Asset Management, Concord 20/20)
Rhett Lamb	(Keene Planning Director)
Carolyn Russell	(NH-DES)
Dick Ober	(NH Charitable Fdn)
Jeffrey Taylor	(Jeffrey Taylor Associates; meeting facilitator)

**The group has come together to** examine what is needed to monitor, advocate for, and help implement the transportation and land-use elements of the Climate Action Plan.

**Vision Document** is in process. Vision document is intended to get organizations, agencies, to buy into a broader vision for the state. See following page.

## **Appendix D – Granite State Future Program Partners**

The following programs/organizations are GSF partners. Each organization has direct input into local, regional and state policy via their unelected/appointed members, bypassing our elected government representatives.

### **Federal Partner Programs (identified as “integration opportunities”)**

Unified Planning Work Program Federal Highways  
HUD 2010 Community Challenge Grant  
FEMA Hazard Mitigation and Fluvial Erosion Planning  
NTIA Funded Broadband Mapping & Regional Needs Assessment Planning  
U.S. Economic Development Administration (EDA)  
Special Economic Development and Redevelopment projects  
U.S. Environmental Protection Agency  
USDA Rural Community Development Initiative grant  
National Oceanic & Atmospheric Administration (NOAA)  
Federal Highway's Safe Routes To Schools  
Climate Impact Assessments funded by NOAA, National Science Foundation, and the NHCF

### **Granite State Future “Pay-to-Play” Special Interest Partners**

ActionMedia – (ActionMedia.org - Public Relations Firm)  
University of New Hampshire – (Carsey Institute - NH Listens)  
NH Charitable Foundation – (TLU Roundtable)  
Conservation Law Foundation (I-93)  
Healthy Eating Active Living  
Community Development Finance Authority  
Family Assistance Advisory Council of NH  
NH Department of Environmental Services  
NH Department of Transportation  
NH Housing Finance Authority  
NH Department of Cultural Resources  
NH Employment Security  
NH Department of Health and Human Services  
NH Department of Resources and Economic Development  
NH Office of Energy and Planning  
NH Community Loan Fund  
NH Creative Communities Network  
NH Municipal Association

### **Other State Partners**

NH Energy and Climate Collaborative  
RPCs (appointed - advisory only)  
Cities, Towns, Counties (appointed representatives only)

*For more information please contact Ken Eyring at 603-434-4836 or Ken@SouthernNH912*

27  
Testimony of Susan Olsen – Warner, NH

House Committee on Municipal and County Government – HB 1573

*"Regional planning commissions are unelected political subdivisions with no oversight by or financial accountability to taxpayers."*

January 16, 2014

I appear before you today not as a recovering lobbyist whose focus was on energy and environmental issues as they related to impacts on NH municipalities but as a private citizen in search of answers.

In 1955, the NH legislature enacted Chapter Law 252, *"An Act Authorizing the Creation of Regional Planning Commissions."* It stated that *"Whereas under the provisions of the Federal Housing Act of 1954 grants-in-aid are available for regional and municipal planning..."* The stated purpose of the regional planning commissions was to *"prepare a coordinated plan for the development of a region"*. That same year, Senator Judd Gregg's father, Hugh, left the NH Governor's office.

In 1969, the NH legislature enacted Chapter Law 324, *"An Act Amending the Provisions of the Regional Planning Commission"*. It gave the state planning and research office the responsibility of delineating planning regions for the state so that *"each municipality"* fell into a delineated region and was afforded the opportunity of forming OR joining an RPC within that state planning region. That same year, Governor Walter Peterson was succeeded by Governor Meldrim Thomson and a music festival was held in Woodstock, NY.

In 1981, after two years of work, RSAs 672 through 678, the entire complement of planning statutes, were reviewed, updated and recodified. A sidebar in the Committee's study report noted that *"regional planning commission currently have financial problems which could be mitigated by public funding through State or County sources. The statutes could mandate this expanded role for planning commissions."* That same year, Hugh J. Gallen was still governor of NH and Iran released 52 American hostages.

In 2000, HB 1294 was enacted by this Committee granting regional planning commissions the state of sovereign political subdivisions, the ability to incur debt and establish lines of credit (without the statutory requirements of political subdivisions such as schools and municipalities must follow to appropriate tax dollars) and register vehicles the same as any other political subdivision, state, local or federal. In a letter to the committee dated February 17, 2000, the NH Association of Regional Planning Commissions stated that these changes were *"not major[i]"* and would in fact *"minimize confusion while "allowing regional planning commissions the same privileges (once again without accountability to taxpayers.) the responsibilities as those whom we serve.[iii]"* Mohni Sharmer, then executive director of the Southern Regional Planning Commission told the M&CG Committee that dues from member towns accounted for less than 25 percent of RPC revenue, the *"rest of the money we get from the federal and state government[iii]s"* and that the changes were *"..just a housekeeping function[iv]"*. Jeanne Shaheen was still governor and Y2K passed without serious, widespread computer failures.

Were this committee to ask the regional planning commission whether that ratio of municipal dues to grants had changed during the last 12 years, I suspect the answer would be "no." However, in 2012, the blurb for HB 1561 stated that *"These commissions continue to flourish because they have a high rate of municipal membership and perform an invaluable service for their members. [v]"* It also stated the bill *"nearly instantly does away with all regional planning commissions, without providing any mechanism for existing critical functions that are currently in-place, such as the administration of grants.. [vi]"*

And unless OEP, DES, the New Hampshire Municipal Association and or the New Hampshire Association of Counties were not being truthful, the fiscal note[vii] to this year's HB 1573 paints a different picture.

OEP says it would have to hire two additional staff but will save \$100,000 by not having to give out grants.

DES says because the federally required metropolitan planning organizations (MPO) remain intact, the Air Quality Data the MPOs model will not be affected.

NHMA says it does not know how much money municipalities pay in dues but they will save that dues money nor is it able to estimate whether municipals will incur costs in the absence of RPCs.

The NH Association of Counties say the bill will have no fiscal impact.

OEP, DES, municipalities and counties each have to have their appropriations and budgets approved by the legislature - who represents the taxpayers - or taxpayers themselves.

Twelve years ago, regional planning commissions were granted the status of sovereign political subdivisions; however, unlike other political subdivisions, they were not made subject to RSA 32 or 33, the municipal finance or budget statutes and the protections those statutes afford NH taxpayers.

Regional planning commissions are unelected political subdivisions with no oversight by or financial accountability to taxpayers.

Fifty nine years have passed since their creation. It is time for questions and for answers.

I like my "political subdivisions" accountable.

---

[i] NHARPC, February 15,2000

[ii] Ibid.

[iii] Notes of the Senate Committee on Public Affair on HB 1294, May 10, 2000.

[iv] Ibid.

[v] <http://www.gencourt.state.nh.us/legislation/2012/HB1561.html>

[vi] <http://www.gencourt.state.nh.us/legislation/2012/HB1561.html>

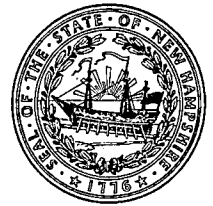
[vii] <http://www.gencourt.state.nh.us/legislation/2014/HB1573.pdf>

## Suggested Questions for RPCs

1. How much money have Regional Planning Commissions received in federal grants since their creation in 1955?
2. How much money did Regional Planning Commissions receive in federal grants during 2013?
3. How many regional plans have been completed since 1955?
4. How many regional plans have been implemented since 1955?
5. How many regional plans are currently in effect?
6. In the year 2000, 45 years after Regional Planning Commissions were created, they requested and were granted the status of political subdivision. As political subdivisions, are RPC annual appropriations voted upon by the taxpayers in member communities?
7. As political subdivisions, are RPC annual appropriations subject to the budget and finance provisions of RSAs 32 and 33? If not, why not?
8. Do the voters of member towns vote on whether Regional Planning Commissions may incur debt or possess line of credit obligations?
9. Mr. Mohni Sharmer, executive director of the Southern NHRPC told the Committee in 2000 that member town dues accounted for only 20-25 percent of planning commission revenues. *"The rest we get from the federal and state governments."* On average, what is the ratio of member town dues to state and federal grants?
10. Without state and federal grants, would RPCs survive?
11. What obligations do the federal grants place on RPC for performance? Are the grants simply for operations or are they tied to specific accomplishments? If tied, how are they reported? What are the consequences of failure to accomplish?
12. How many members of RPC staffs are at-will employees?
13. How many members of RPC staffs are under employment contracts?
14. One RPC has told an individual who has issued a right-to-know request that answering it will cost him \$50 per hour for "research" and that he must sign an agreement to that effect in advance. How many members of RPC staffs are paid \$50 per hour?
15. Do RPCs believe answering questions from taxpayers in their jurisdictions should be a source of revenue?
16. Do RPCs believe \$50 per hour is reasonable?
17. Do RPC's believe \$50 per hour might be useful as a deterrent to someone seeking information under a Right-to-Know request?



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 13, 2014

The Honorable Marjorie Porter, Chair  
Municipal and County Government Committee  
Legislative Office Building, Room 301  
Concord, NH 03301

**RE: HB 1573-FN, An Act discontinuing regional planning commissions and requiring the election of municipal planning board members**

Dear Chair Porter and Members of the Committee:

Thank you for the opportunity to testify on HB 1573-FN. This bill would eliminate regional planning commissions (RPCs) and require that municipal planning board members be elected. The Department of Environmental Services (DES) firmly opposes aspects of this bill relating to the elimination of RPCs, and takes no position on whether members of municipal planning boards should be elected or appointed.

The RPCs have provided valuable services to DES, other state agencies, and New Hampshire's communities for decades. The discontinuation of RPCs would have direct negative impacts on a number of programs that DES implements. A few examples of the services provided by RPCs that support DES programs, and that would no longer occur if HB 1573-FN were enacted, are summarized below:

- Four RPCs<sup>1</sup> also function as Metropolitan Planning Organizations (MPOs) for their regions. States are required to establish an MPO for any urbanized area that has a population greater than 50,000 under the Federal-Aid Highway Act of 1962. Serving as an MPO is one of the most important roles for these four RPCs. The MPOs support New Hampshire Department of Transportation's (DOT) transportation planning efforts and, in coordination with DES, fulfill a requirement of the federal Clean Air Act to assess the air quality impact of transportation plans. MPOs must successfully administer this process in order for these regions to acquire and spend Federal money on transportation improvements. If RPCs were to be discontinued, federal funding for transportation projects could be withheld until these MPOs were re-created under some other organizational structure. Should the State have to fulfill the role of the MPOs in conducting the required analyses there would be an undetermined, but negative impact on budgets to acquire the technical models required to do this work.
- RPCs work closely with DES, the US Environmental Protection Agency Brownfields Program and their member communities to assist with the clean up and reuse of contaminated sites to their highest potential. Brownfields are abandoned properties for which expansion, redevelopment, or reuse is complicated by the presence or potential presence of hazardous substances, pollutants, or contaminants from historical industrial activity. Brownfields sites may include former manufacturing facilities, abandoned gasoline stations, abandoned industrial dumps and closed small businesses such as dry cleaners or printers. For these sites, the RPCs provide expertise to member towns to help determine redevelopment options to ensure the highest economic development potential is realized. Brownfields sites are often critical redevelopment projects to recreate jobs that have been lost in our municipalities. There are numerous examples of successful partnerships over many years across the state involving DES, the RPCs, municipalities and the Department of Resources and Economic Development. Brownfields

<sup>1</sup> The Nashua (1973), Southern NH (1973), Rockingham (2007) and Strafford (2007) Regional Planning Commissions (RPC) have all been designated as the MPOs.

redevelopment efforts could not occur as expeditiously or effectively without the direct support of the RPCs.

- RPCs support efforts by the New Hampshire Office of Homeland Security and DES by providing hazard mitigation planning services to member communities to help prevent flood damage. Tropical Storm Irene and other recent disasters caused by storm events in New Hampshire have demonstrated the critical need for this expertise on a regional basis to help communities reduce damage from future flood events. Flood mitigation planning must be performed on a regional or watershed basis to be effective, rather than stopping at town boundaries. The RPCs have demonstrated an ability to address these issues at a regional level.
- Some RPCs actively support DES's statewide efforts to provide opportunities for all residents to easily and properly dispose of household hazardous wastes (HHW) by implementing HHW collection programs. RPCs have the ability to rotate HHW collection locations through the towns within their regions. For small towns, these regional programs can be more efficient and economical because regional expertise and equipment can be shared.
- DES and the RPCs have worked in partnership for many years on planning initiatives that recognize the value of regional planning to help support our communities and address New Hampshire's environmental and economic issues. In fact, by coordinating efforts and funding provided historically through the DES Regional Environmental Planning Program, a number of work products developed by one RPC have been, by design, developed and made available for use by all New Hampshire communities. For example, a guide was developed by the Upper Valley Lake Sunapee Planning Commission in 2008 that provides guidance that is available to all New Hampshire communities on innovative land use planning techniques that are authorized by RSA 674:21 so that every community does not have to perform initial independent research "from scratch."

In conclusion, the RPCs play a highly productive and valued role for New Hampshire's citizens that is well demonstrated by decades of outstanding performance. Discontinuation of the RPCs by enactment of HB 1573 would leave a serious gap in New Hampshire's planning capacity and substantially diminish support for our communities, especially those that are the smallest and have the fewest resources. This would have lasting negative effects on New Hampshire's environment, economy and quality of life. Therefore, we strongly oppose enactment of HB 1573.

Thank you for your consideration in this matter. If you have questions or need additional information, please contact either Rebecca Ohler, Transportation and Energy Programs Manager ([rebecca.ohler@des.nh.gov](mailto:rebecca.ohler@des.nh.gov), 271-6749) or Rene Pelletier, Environmental Programs Administrator ([rene.pelletier@des.nh.gov](mailto:rene.pelletier@des.nh.gov), 271-2951).

Sincerely,



Thomas S. Burack  
Commissioner

CC: Sponsors of HB 1573-FN  
Christopher Clement, Commissioner, NH DOT

32  
DEPARTMENT OF PLANNING ZONING & CODE  
45 BEACON STREET, EAST  
LACONIA, NH 03246  
☎ 603-527-1264  
☎ 603-524-2167



January 7, 2014

Chairwoman Porter and Members of the Municipal and County Government Committee  
64 School St  
Hillsborough, NH 03244-4878

Re: HB 1573-FN, an Act to discontinue Regional Planning Commission and to require the election of municipal planning board members

Representative Marjorie Porter:

Please ITL this bill

We come here again, as in 2012, and request that you ITL this act. At the January 7, 2014 City of Laconia Planning Board meeting there was a unanimous vote for this request.

The Lakes Region Planning Commission brings great value to our city in transportation, environmental and water quality plans. They only advise us, they do not create laws and ordinances for us. This we do for ourselves with our City Council. We are the largest dues payer in the region of 30 communities which compose the Planning Commission, and do this voluntarily.

This act also calls for all Planning Board members to be elected in the General Election process. As you know, all towns can chose this option if they wish, now. The cities in the state have several methods depending on their charter. In the cities the planning process is many times complex and takes considerable education and commitment by the board members. The desired profile of members with this experience in land planning generally do not include a desire the participate in an election process. The interviewing and vetting process now in place by the City Council is very wise and lends itself to appointing qualified candidates. With the requirement of a general election, few qualified candidates would seek the board.

As in 2012, please ITL this very poor act and retain local planning throughout the state.

For the Planning Board of the City of Laconia,

Warren C. Hutchins, Chair

A handwritten signature in dark ink, appearing to read "Warren C. Hutchins", is written over the printed name.

#37  
Frederick J. McGarry, P.E.  
P.O. Box 128  
Deerfield, NH 03037-0128

January 16, 2014

The Honorable Marjorie Porter, Chair  
House Municipal and County Government  
Legislative Office Building, Room 301  
Concord, NH 03301

Re: HB1573-FN, Discontinuing Regional Planning Commissions and Requiring Election of Municipal Planning Board Members

Dear Chair Porter and Members of the Committee:

Thank you for the opportunity to provide testimony on HB1573-FN, a bill which would discontinue regional planning commissions and require the election of all municipal planning board members.

To provide some information regarding my background, I have been a member of the Deerfield Planning Board for over 30 years. During that time, the planning board position was initially appointed and then elected. I have also been one of the Town's two representatives to the Southern New Hampshire Planning Commission for over 20 years. I am also a licensed professional engineer in New Hampshire.

I come before you today to speak in opposition to HB1573-FN. The bill would eliminate all nine regional planning commissions throughout the state for some unknown reason.

As you may know, there are currently nine regional planning commissions (RPC) serving communities throughout the state. The membership of each city and town in a RPC is totally voluntary. The communities affirm their decision to belong to an RPC each year when they pay their annual membership dues. The vast majority of communities make their decision to participate because they find it useful and beneficial to do so. Statewide, 91% of all communities belong to a RPC and in the Southern New Hampshire Planning Commission, 13 out of 14 communities belong. This bill would eliminate each community's option to choose to belong to an RPC.

State general funds contributed \$100,000 to the RPCs last year, about \$11,000 for each of the nine RPCs. This amounts to only two percent of the total amount of funds expended by RPCs. Most of the funding for the RPCs comes from earning grants and providing services to communities and state and federal agencies under contract. Considering the limited amount of general funds involved, no realistic argument can be made that RPCs are a significant drain on the general fund.

RPCs provide an opportunity for communities to exchange information on planning issues common to many of the communities in a region. They also provide training and education programs to local land use boards. RPCs review and comment on developments with regional impact. They also prioritize transportation needs in each region as part of the Governor's Advisory Commission on Intermodal Transportation 10-year planning process. Regional planning commissions serve an important function in the state and should remain in their current form.

One interesting effect HB1573-FN would have is in the siting of hazardous waste facilities. RSA 147-A establishes the Hazardous Waste Facility Siting Board. The Board consists of five members appointed by the Governor and Council. One of those members is required to be a member of the RPC in the area where the proposed facility is to be located. The planning commission member is the only member of this Board assured to be from the region where the hazardous waste facility is proposed to be located. HB1573-FN would remove that local representation from the Board.

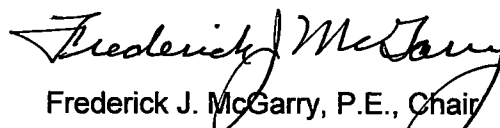
In addition to the impact this bill would have on RPCs, HB1573-FN would require all planning board members throughout the state to be elected. Currently, RSA 673:2,II(b) allows the citizens of a town to determine if a planning board is to be appointed or elected. This bill would remove this option from the citizens of each community and dictate how planning board membership is to be determined.

It is for these reasons that I urge the Committee to determine HB1573-FN to be inexpedient to legislate.

My comments are only as a single member of my local planning board and as a member of the Southern New Hampshire Planning Commission. The language for the bill was not available for our last planning board meeting and our next meeting will not be until January 21, well after the hearing date.

Thank you again for this opportunity and I would be glad to answer any questions members of the Committee might have.

Sincerely yours,

  
Frederick J. McGarry, P.E., Chair  
Deerfield Planning Board

396  
Concord State House Jan 16, 2014

Lou Archambault  
Rochester NY  
335-1014

Regional Planning Boards are Ad HOC Agencies

They attempt to usurp land rights - wether you choose to call it Agenda 21, Social Engineering or ANY other form of CONTEMPTUOUS SOCIAL AGENDA ~~at a time!~~

This past summer ~~day~~ I was in my yard TWO UNH Students EMPLOYED by the Strafford County Committee. Approached my property.

One stepped onto my property and determined there was too much vegetation in the ditch and he would notify the city to clean it. This is not going to be allowed.

He then indicated a stone was disrupting the flow of water WHICH is an overflow of several man made ponds..... *That Pass over my Property*

That stone has been there longer than he's been alive. During the Mother's Day Flood of 2006 the entire bridge at the end of the road washed away from an LEGITIMATE stream at the other end of Chesley Hill Road =

THE EISENGLASS RIVER

That 20 pound stone stone was there then.. And never affected the overflow or even moved. He then reiterated it blocks the flow of water.

YES - he was ordered OFF of my property.

I've made full statements to the Rochester City Council - Strafford County Regional Planning - as well as a letter to the editor..

I was at a regional planning meeting, I was shown a SATELITE picture of my property.

*LA*  
An employee was asked ~~questions~~ BY the panel -

IF they go onto private property - he said no.

(Right - NOT at this time or NO LONGER) SYMANTICS

1/16/2014

MORE IMPORTANTLY at another Regional planning meeting  
 The employee asked "DON'T WE OWN THE WATER". TOTAL SILENCE  
 My assumption is that of a "collective thought pattern".....

This same person stated NEW HAMPSHIRE is one of the few states that the EPA is formally located in! I DID NOT KNOW THIS!

Could it be New Hampshire is the last holdout at becoming a TOTALLY solid blue state in the entire North East? .....

AND REGULATORS ARE OUR REWARD FOR THAT

What we have here is an established Federal Agency imbedded between layers of NH Government who answer or report to NO ONE!

Another citizen asked if the reports the staff spoke was from their own research  
 ( He admitted it's a compilation)

They could/would not answer that question amongst themselves in a public forum...  
 These meetings can be viewed on "Government Oversight.COM" a PRIVATE group.

To the best of my knowledge the meetings have NO public outlet

~~I'm not certain~~ they have <sup>CERTAINLY</sup> access to video recording capabilities.

*La*  
They Certainly have access

*Apparently* THIS IS NOT A NEW HAMPSHIRE RIGHT TO KNOW OPEN FREE ISSUE!

These grants and funding ONLY go to expand THEIR POWER and THIEFDOMS!

CITIZENS --- YOUR RIGHTS and or FREEDOMS are of NO concern to them!

I didn't serve in the military to give up any rights to this TOTALLY SOCIALIST AGENDA.. Even if I didn't serve I'd be just as outraged.

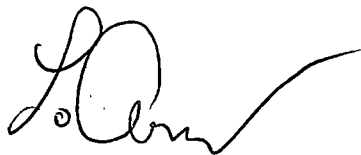
I am not one of your VASSALS who is willing to enter ANY agreement with a lord or MASTER!!!! I AM NOT A SUBJECT!

As I told Strafford Planners -- stay out and OFF of my property.

I believe in New Hampshire Freedom

This REGIONAL PLANNING IS THE ANTITHESIS OF THIS

Thank YOU



Louis Archambault  
 224 Ches. Ley Hill Rd  
 Rochester NH

603-335-1018

1/16/2014

1573  
MCG

Bickford

Roberts

Danielson

Enmon

The  
**Granite State Future**

and how it empowers

**Regional Planning  
Commissions**

to Bypass Elected Representation

Delivered to NH State Representatives  
Legislative Office Building, Rm 301  
January 16, 2014

## LOSS OF ELECTED REPRESENTATION

The stated goal of the Granite State Future (GSF) program is to produce nine regional plans and one integrated Statewide Development Policy Framework. The program is promoted as "grass roots" and "bottom up", but nothing is further from the truth.

Instead, the top-down planning is driven from the federal agencies of HUD, EPA and DOT via their \$100M nationwide Sustainable Communities Initiative (SCI) program. The GSF program is an umbrella program to implement the SCI program, and it comes with mandatory outcomes that are legally binding. Many of the goals seek to regulate virtually every aspect of our lives... including housing, water, natural resources, transportation, land use, economic development, energy, cultural and historic resources, public health, education, environmental planning, energy and climate change. The GSF program goes way beyond the original intent of regional planning for our roadway infrastructure.

More importantly, the federal government has created a mechanism to bypass local and state elected government oversight. The structure of the GSF program provides a direct conduit for federal and state agencies, as well as Pay-to-Play Special Interest Groups, to have a direct conduit into defining NH State Policy. Those policies will then be implemented by the NH agencies that are GSF "partners" as part of their contractual agreement for participation in the program.

The organizational structure of the GSF Program was designed *in secret* by representatives of the program's partners while meeting as the "Transportation Landuse Roundtable Committee". This statement is confirmed by Kerrie Diers, NH's lead point of contact with HUD to implement the SCI program in NH (see Appendix A).

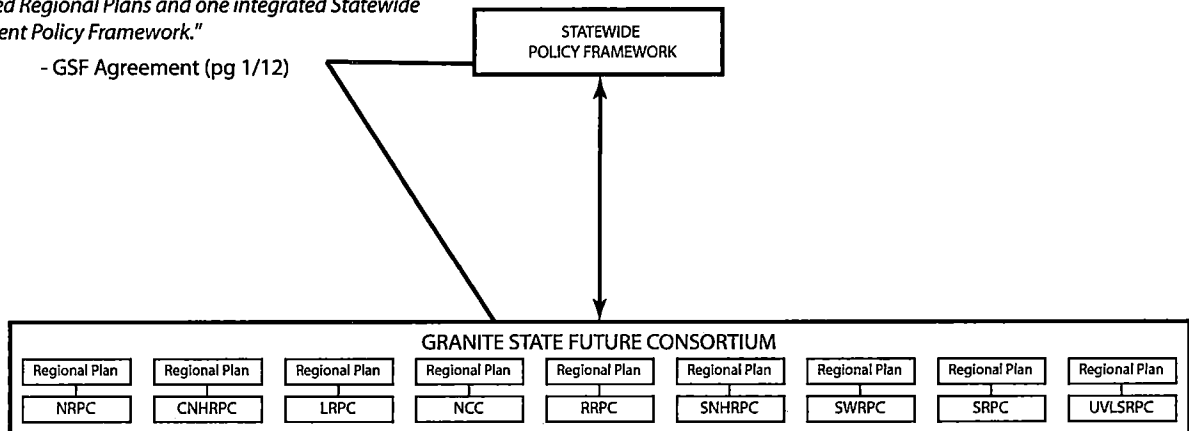
The six charts below are incrementally built using excerpted language (included with each chart) from the legally binding agreement with HUD. The final chart reflects how the GSF partners have defined a structure that successfully usurps local and state elected government.

This chart shows the goal of the GSF program is to define nine coordinated regional plans and one integrated statewide development policy framework.

### GRANITE STATE FUTURE

*"Whereas, a partnership has been created, comprised of the State's nine Regional Planning Commissions, cities, towns, counties, state agencies, quasi-governmental organizations, the University of New Hampshire, and non-profit organizations to work cooperatively in the development of nine coordinated Regional Plans and one integrated Statewide Development Policy Framework."*

- GSF Agreement (pg 1/12)



It is important to bear in mind that one of the "Mandatory Outcomes" of the SCI program requires;

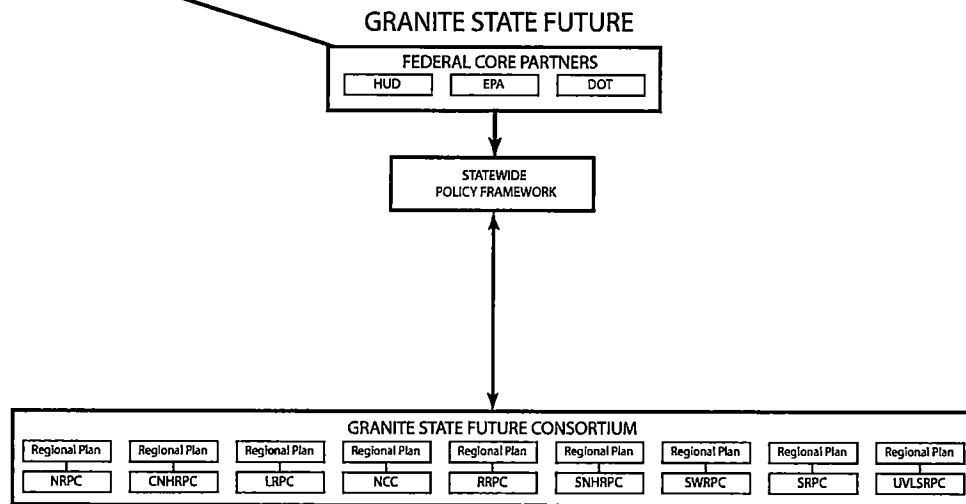
***"Aligned federal planning and investment resources that mirror the local and regional strategies for achieving sustainable communities."*** – HUD NOFA (pg 60, "Mandatory Outcomes" section)

The GSF program extends the planning process to include an aligned and "integrated Statewide Development Policy Framework". Upon completion of the GSF/SCI program, all local, regional and statewide plans **will** mirror federal planning.

The next chart shows the SCI program is not "advisory only" as the GSF proponents claim. HUD is clear in its legally binding documentation that there will be "substantial involvement of HUD staff to enhance the performance of the grantee in the completion of their deliverables". HUD, the EPA and DOT manage the program from the top down, with mandatory outcomes that are clearly documented.

**"HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission."**  
 – HUD NOFA document (pg 63)

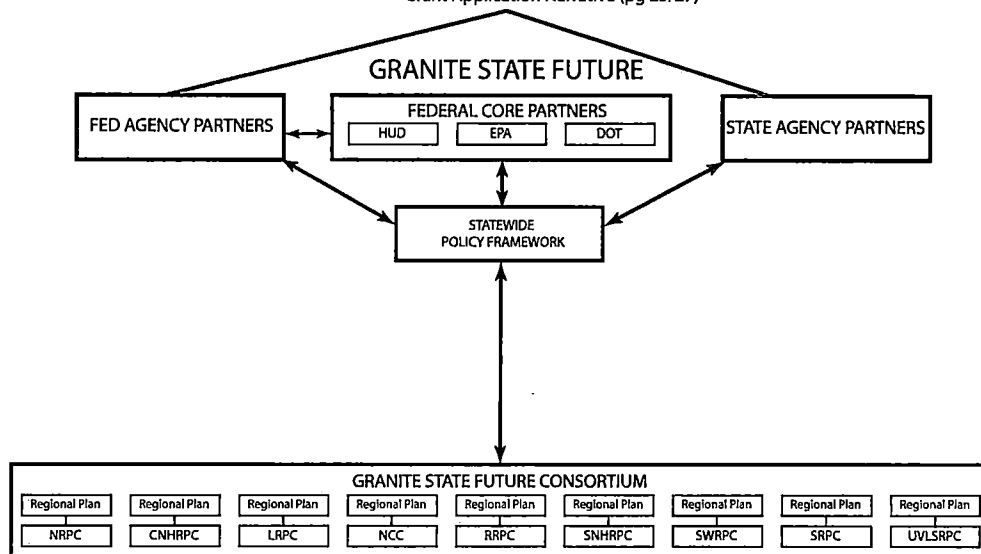
*"The Cooperative Agreement allows for substantial involvement of HUD staff to enhance the performance of the grantee in the completion of their deliverables."*  
 - HUD Terms and Conditions document (pg (18/27)



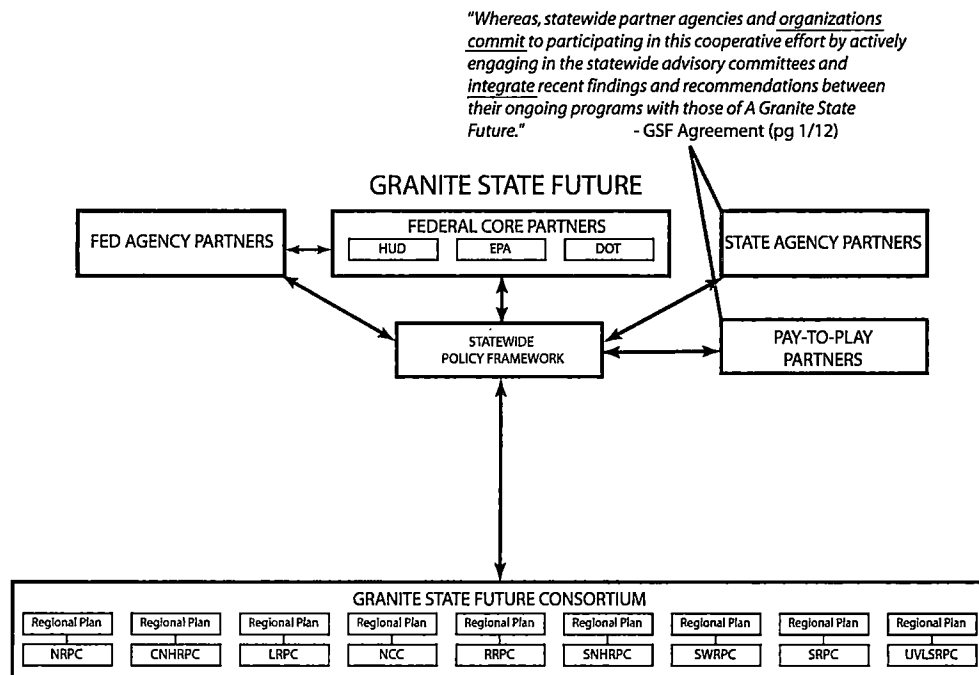
*The RPCs are comprised of paid, unelected bureaucrats, and appointed (volunteer) representatives from each member town. The RPCs operate one level removed from local elected government.*

The next chart shows the GSF/SCI program provides a direct conduit for Federal and State Agencies to "integrate" their policies into each Regional Plan. By agreement, those policies will then be cross integrated back into the respective federal and state agency programs... enabling direct federal and state bureaucratic input with little to no oversight from local and state elected government.

*"Each of the regional planning commissions will integrate its Regional Plan for Sustainable Development (RPSD) into other federal and state funded initiatives, as well as, integrate the work of these other programs into the RPSD."*  
 - Grant Application Narrative (pg 25/27)



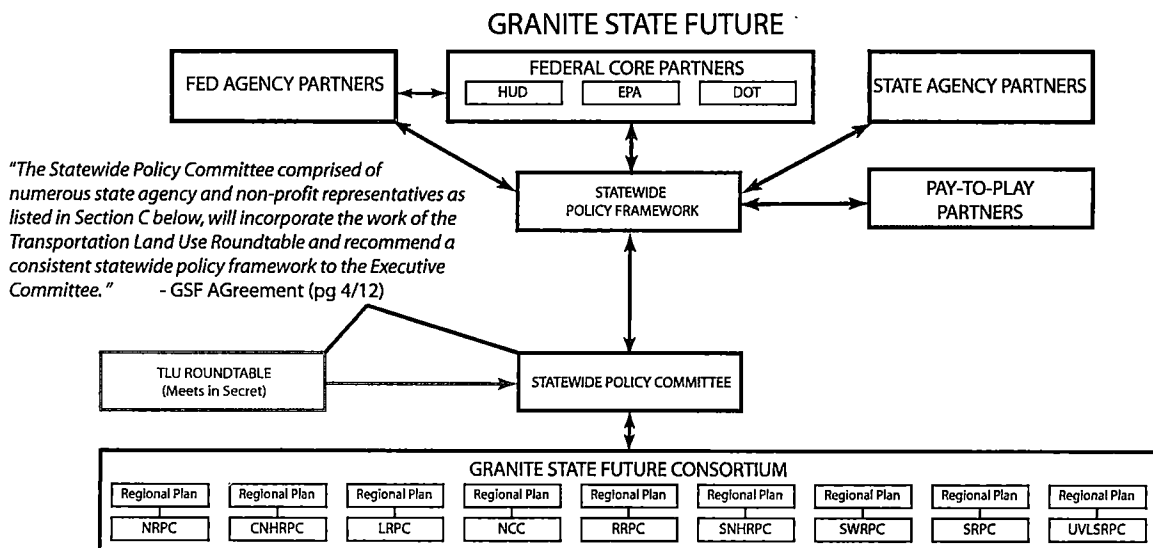
This chart adds hand-picked, pay-to-play Special Interest Groups that were chosen by a secret committee to become Pay-To-Play partners. These Special Interests are now empowered with direct input into the local, regional and statewide planning process... again, with little to no oversight from local and state elected government.



The provisions that bypass our local and state elected representatives, and empower direct input from Federal Agencies, Special Interest Groups and the RPCs into statewide policy are violations of the NH Constitution; Article 2 [Natural Rights], Article 7 [State Sovereignty] and Article 8 [Accountability of Magistrates and Officers; Public's Right to Know].

The structure of the GSF program was designed by the TLU Roundtable in secret, with no history of meeting minutes for public review (See Appendix A). The TLU Roundtable is comprised of people that represent virtually all of the GSF program's State Agencies and "Pay-To-Play partners -- giving these organizations a considerable amount of non-public, unelected bureaucratic influence/control over local, regional and statewide policy planning and implementation.

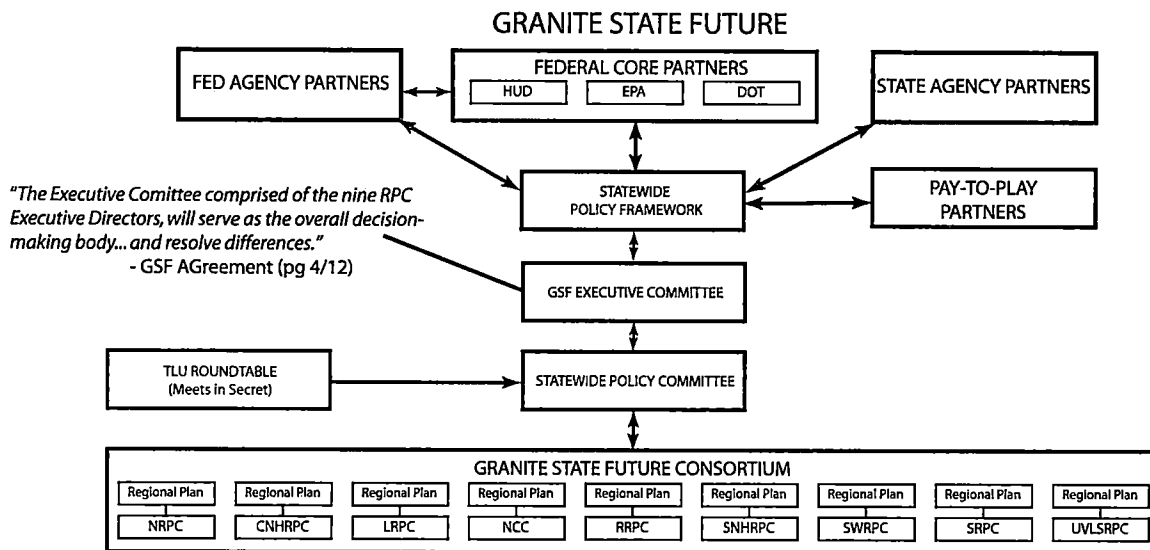
**The Statewide Policy Committee (SPC)** "will incorporate the work of the Transportation Landuse Roundtable and recommend a consistent statewide policy framework to the Executive Committee". The SPC is comprised of unelected bureaucrats and operates two levels removed from local elected government.



**The Executive Committee** is empowered with overall decision-making authority.

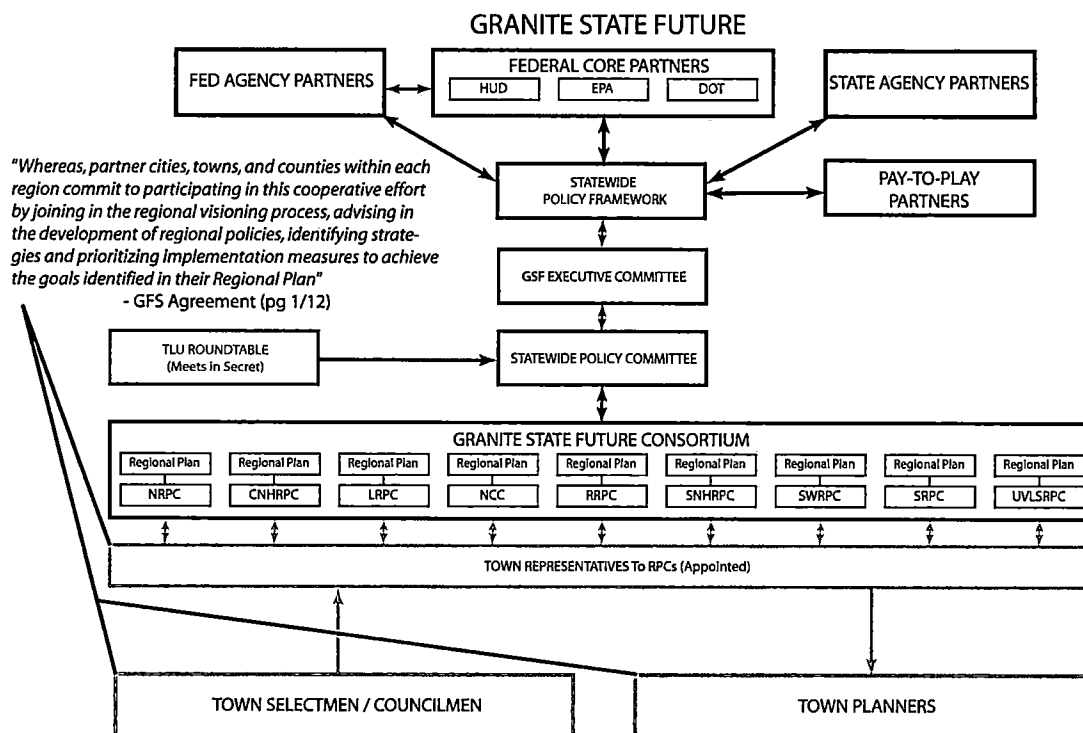
**“The Executive Committee** comprised of the nine **RPC Executive Directors**, will serve as the **overall decision-making body** to allocate resources, set goals, **guide program alignment between regions**, monitor progress, establish common methodologies, ensure overall coordination and efficiencies, **and resolve differences.**” – GSF Agreement (pg 4/12)

The Executive Committee is comprised of unelected bureaucrats and operates three levels removed from local elected government.



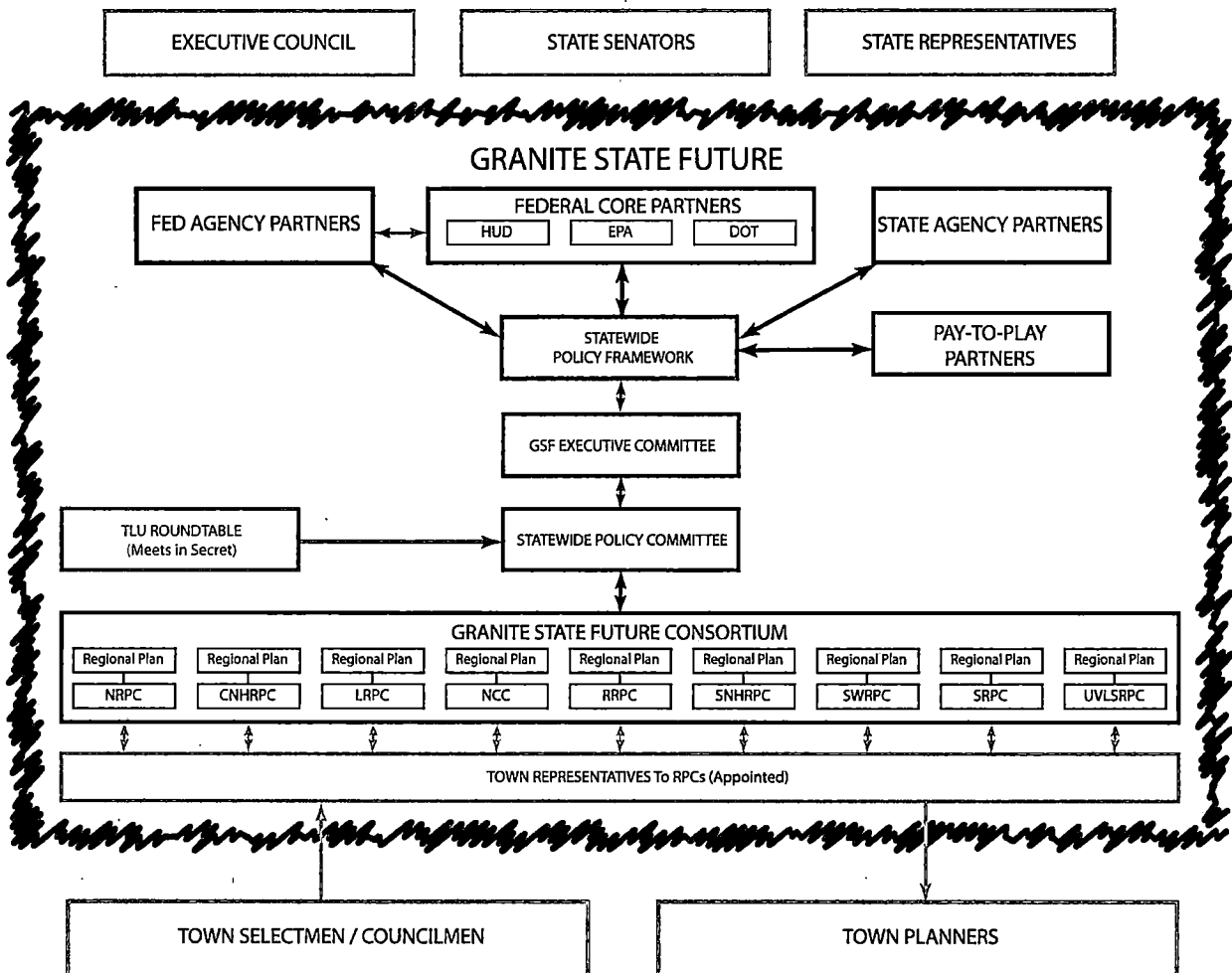
Each participating town has appointed representatives to their respective RPC, whether or not they sign the GSF Agreement. Towns are enticed to sign the Agreement so they can “have a seat at the table”, even though there is no guarantee that signatory towns will have representation on any of the committees. More importantly, input from town representatives is severely constrained by HUD’s requirement that local planning align with federal planning.

By signing the Agreement, towns commit to “prioritizing implement measures to achieve the goals identified in their Regional Plan” – **before** it is defined.



The Organizational structure was designed in secret. The planning process excludes direct input from virtually every elected official; Selectmen. Planning Board, State Reps, Senators and Executive Council.

*"HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission." - NOFA (pg 63)*



The Governor's office is not excluded in the chart above, because the work of committees that he created via executive order (e.g. the Water Sustainability Committee), is mandated to be included in the final plans.

Once the planning work is completed, the deck has been stacked to breeze through the implementation process – because many of the people who will endorse the plans on behalf of the state, were represented by people who wrote the plans.

*"The EC (Executive Committee) will seek endorsement of the plan by the NH Council on Resources and Development, **predominantly comprised of NH SCI state agency partners, which will help to ensure that state agencies institutionalize the plan and that sources of funding align with the plan.**"*

- GSF Detailed\_ScopeofWork document (pg 16/16)

The local, regional and state plans that are produced under this program with little to no elected government oversight, will align with federal plans.

*"HUD is committed to ensuring that programs result in the achievement of HUD's strategic mission." - HUD NOFA document (pg 63)*

### The Vision of the Transportation Landuse Roundtable

In an email response to my request, Ms. Diers made it clear that the T/L-U meetings were held in secret (See Appendix A).

*"We do not have minutes from the TLU. We have provided the meeting notes and work products to you. The TLU was an ad-hoc committee convened by the NH Charitable Foundation which is not a public agency or public body. We have provided the information to you because they are considered governmental records that were received by our office."*

As you look over the T/L-U document she sent (Appendix B), please note on page 1 how they have defined a need for someone to define "an over-arching vision for the State of New Hampshire as a whole".

On page two, you will see they have bestowed upon themselves the honorable title; "The Keepers of the Flame". As you scroll down page 2, you will see their vision of the organizational chart. It is eerily similar to the one above, that was constructed using excerpts from the legally binding GSF Agreement.

The T/L-U organizational chart includes government entities and pay-to-play special interest groups, with the "NH Keepers of The T/L-U Flame" as the focal point. **Nowhere in the T/L-U chart is elected government represented.**

The T/L-U document goes on to state that;

*"In order to come to the table as a Keeper, an organization would have to have endorsed the Vision as an operating principle of its individual organization's work. Failure to perform could possibly be subject to challenge by other members."*

In other words... you have to go along to get along or you will not remain a "Keeper".

They concluded that to achieve "The Really Big Vision";

*"These Keepers need to meet with other Keepers on a regular basis to weave the silos together"*

Appendix C shows who participated in the secret T/L-U Roundtable discussions... virtually every agency and pay-to-play organization that is now a member and/or participant of the GSF program.

Appendix D lists the GSF program partners

### In Conclusion...

The GSF program usurps local and state elected government. With all due respect the Regional Planning Commissions have morphed into another layer of government that is outside your oversight.

Please vote to discontinue the Regional Planning Commissions and place control of our state planning back into your hands.

Appendix A – Kerrie Diers Response to 91-A Request for T/L-U Roundtable Documentation

**Subject:** RE: NH RSA 91-A Request 2 of 2

**From:** "Kerrie Diers" <KerrieD@nashuarpc.org>

**Date:** 09/27/12 10:19 PM

**To:** "Ken Eyring" <Ken@SouthernNH912.com>, "Karen Baker" <KarenB@nashuarpc.org>

**CC:** "Tim Roache" <TimR@nashuarpc.org>, <michael.a.delaney@doj.nh.gov>

Ken

We do not have minutes from the TLU. We have provided the meeting notes and work products to you. The TLU was an ad-hoc committee convened by the NH Charitable Foundation which is not a public agency or public body. We have provided the information to you because they are considered governmental records that were received by our office.

The committee members can be found in this document on line: <http://granitestatefuture.org/files/9613/4637/4268/StatewideAdvComm.pdf>

Kerrie

---

**From:** Ken Eyring [mailto:Ken@SouthernNH912.com]

**Sent:** Thursday, September 27, 2012 10:07 AM

**To:** Karen Baker

**Cc:** Kerrie Diers; Tim Roache; michael.a.delaney@doj.nh.gov

**Subject:** Re: NH RSA 91-A Request 2 of 2

Dear Karen,

In addition to the TLU Roundtable meeting minutes that appear to be missing, I also do not see a list of the members of this committee (as requested). I had expected to see the members listed online, similar to what the NRPC has posted on your website (link below) -- but it is nowhere to be found.

<http://nashuarpc.org/aboutnrpc/staff.htm>

In fact, the members of all of the committees and their contact information is not posted anywhere online at the GraniteStateFuture.org website. Would you please tell me where I can find this information?

Thank you,  
Ken Eyring

On 09/26/12 04:36 PM, Ken Eyring wrote:

Dear Karen,

Thank you for these documents. As I mentioned in my previous email, I will look them over and follow up with any questions I have. Upon a quick glance, it appears you did not include any meeting minutes for any of the meetings -- I see the meeting agendas but not the minutes for each meeting. If my assumption is correct, can you please send me all meeting minutes as well?

Best regards,  
Ken

On 09/26/12 03:35 PM, Karen Baker wrote:

Ken,

Per your request and as mentioned in my first email, you would be receiving 2 emails containing your request due to the file size.

Thank you

Karen M. Baker  
Program Assistant  
Nashua Regional Planning Commission  
9 Executive Park Drive, Suite 201  
Merrimack, NH 03054  
Ph: 603-424-2240 - Fax: 603-424-2230

## 2<sup>nd</sup> Report of the Land Use/Transportation Vision Sub-committee

Our first conclusion was that there needs to be an over-arching vision for the State of New Hampshire as a whole, not just a land use/transportation vision. We felt it needed three parts: A statement of breaking away from previous contexts, a statement about what the results would look like, and a notice that it was of critical importance to do this so as to position New Hampshire to be able to adapt to a changing and uncertain future. To that end, we offer the following:

### **A Vision for New Hampshire's Future: 2030**

Starting today, New Hampshire's citizens, businesses, and institutions will work to develop policies, practices, and choices that foster sustainable patterns of development, so as to:

- Conserve our working forests;
- Assure the availability of open space for agricultural production;
- Protect our high quality drinking water and watersheds;
- Foster more compact development;
- Create safe, healthy neighborhoods with homes affordable to all;
- Stimulate vibrant downtowns and village centers as important social and economic hubs;
- Provide strong, locally-based economies;
- Continue the New Hampshire tradition of neighbors helping neighbors.

These actions will enable New Hampshire communities to support the well being and meet the changing needs of our citizens, to reduce our reliance on fossil fuels, to preserve our natural resource systems, and to become economically resilient.

The thinking is that this Vision needs to be embraced broadly, and should guide many, many efforts in New Hampshire: Climate Change Taskforce, conservation efforts, EESE Board, local communities and boards: every single player with an impact on the future of New Hampshire!!

### **The Implementers**

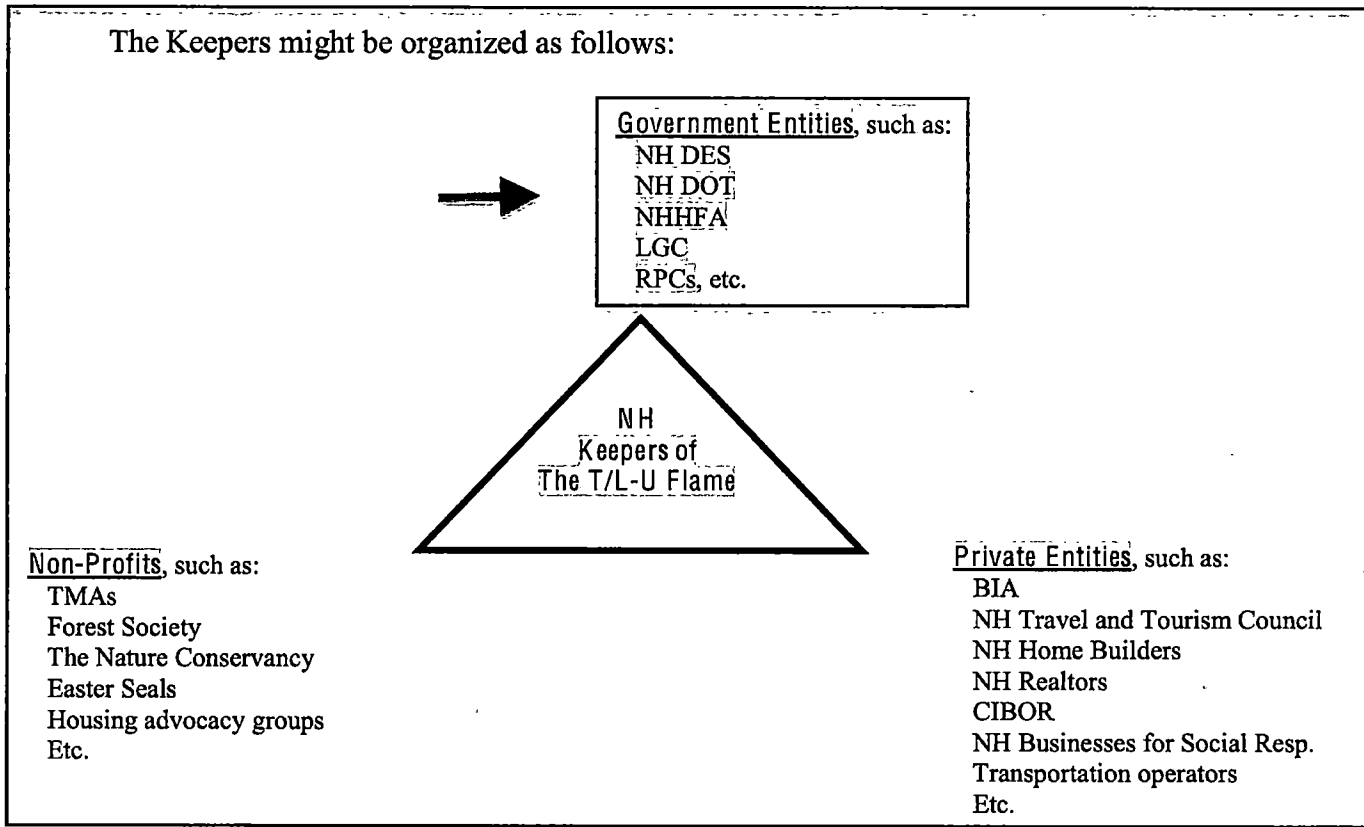
Within the specific area of Transportation and Land Use, in order to move forward, there needs to be better support of and dedication to the following, including, at a minimum:

- Transportation Management Agencies
- NH Rail Transit Authority
- State, County, Local government entities, abiding by the principles of RSA 9-B
- Regional Planning Commissions
- Improved funding for LCHIP, HCCP, similar programs
- Others

## The Keepers of the Flame

Thinking more broadly, there needs to be called into existence a Keeper of the Flame for Transportation and Land Use issues. It might be convened by the Governor, by the Legislature, or by the mutual agreement of several self-appointed entities. The Keepers group needs representatives from three groups at a very high level, the representatives being entities with political clout, leadership, authority, and the ability to spend or distribute money. The overarching goal of this Keepers group should be to see that increasing portions of New Hampshire's housing, jobs, and service needs are being met by in central places, from Downtown Manchester to Center Sandwich to Downtown Colebrook, as opposed to in the countryside surrounding those central places.

The Keepers might be organized as follows:



➔ In order to come to the table as a Keeper, an organization would have to have endorsed the Vision as an operating principle of its individual organization's work. Failure to perform could possibly be subject to challenge by other members.

The Keepers should meet quarterly to share progress and concerns. They should issue an annual report that outlines their work, and which demonstrates progress towards increasing the number of central place housing units that are being created.

## The Really Big Vision

These Keepers need to meet with other Keepers on a regular basis to weave the silos together: Annually, bi-annually, or tri-annually as may be appropriate, but regularly.

## Transportation/Land Use Working Group

**Participants:** Thursday, July 8, 2010

Kevin Peterson	(NH Charitable Fdn) (contact)
Kelly Clark	(AARP)
Melissa Hoffer	(Conservation Law Foundation)
Becky Ohler	(NH-DES)
George Campbell	(NH-DOT)
Cliff Sinnott	(Rockingham Regional Planning Commission)
Will Abbott	(Society for the Protection of NH Forests)
Ben Frost	(NH Housing)
Roger Stephenson	(Clean Air-Cool Planet)
Gabe Zoerheide	(Upper Valley Transportation Management Association)
Roger Hawk	(Plan NH)
Anne Duncan Cooley	(Upper Valley Housing Coalition)
Chris Skoglund	(NH-DES)
Stacey Doll	(NH Climate Collaborative)
Kerrie Diers	(Nashua Regional Planning Commission)
Jeanne Ryer	(Endowment for Health/State Coordinating Council on Transportation)
Sonke Dornblutt	(UNH Institute of Disability)
Joanne Cassulo	(NH-OEP)
Bill Norton	(Norton Asset Management, Concord 20/20)
Rhett Lamb	(Keene Planning Director)
Carolyn Russell	(NH-DES)
Dick Ober	(NH Charitable Fdn)
Jeffrey Taylor	(Jeffrey Taylor Associates; meeting facilitator)

**The group has come together to** examine what is needed to monitor, advocate for, and help implement the transportation and land-use elements of the Climate Action Plan.

**Vision Document** is in process. Vision document is intended to get organizations, agencies, to buy into a broader vision for the state. See following page.

## **Appendix D – Granite State Future Program Partners**

The following programs/organizations are GSF partners. Each organization has direct input into local, regional and state policy via their unelected/appointed members, bypassing our elected government representatives.

### **Federal Partner Programs (identified as “integration opportunities”)**

Unified Planning Work Program Federal Highways  
HUD 2010 Community Challenge Grant  
FEMA Hazard Mitigation and Fluvial Erosion Planning  
NTIA Funded Broadband Mapping & Regional Needs Assessment Planning  
U.S. Economic Development Administration (EDA)  
Special Economic Development and Redevelopment projects  
U.S. Environmental Protection Agency  
USDA Rural Community Development Initiative grant  
National Oceanic & Atmospheric Administration (NOAA)  
Federal Highway’s Safe Routes To Schools  
Climate Impact Assessments funded by NOAA, National Science Foundation, and the NHCF

### **Granite State Future “Pay-to-Play” Special Interest Partners**

ActionMedia – (ActionMedia.org - Public Relations Firm)  
University of New Hampshire – (Carsey Institute - NH Listens)  
NH Charitable Foundation – (TLU Roundtable)  
Conservation Law Foundation (I-93)  
Healthy Eating Active Living  
Community Development Finance Authority  
Family Assistance Advisory Council of NH  
NH Department of Environmental Services  
NH Department of Transportation  
NH Housing Finance Authority  
NH Department of Cultural Resources  
NH Employment Security  
NH Department of Health and Human Services  
NH Department of Resources and Economic Development  
NH Office of Energy and Planning  
NH Community Loan Fund  
NH Creative Communities Network  
NH Municipal Association

### **Other State Partners**

NH Energy and Climate Collaborative  
RPCs (appointed - advisory only)  
Cities, Towns, Counties (appointed representatives only)

*For more information please contact Ken Eyring at 603-434-4836 or Ken@SouthernNH912*



City Manager's Office  
58 Opera House Square  
Claremont, New Hampshire 03743  
Ph: (603) 542-7002 Fax: (603) 542-7014  
Email: citymanager@claremontnh.com  
www.claremontnh.com

January 15, 2014

The Honorable Marjorie Porter, Chair  
Municipal and County Government Committee  
NH House of Representatives  
Legislative Office Building, Room 301  
Concord, NH 03301

Dear Representative Porter and Members of the Committee,


I am writing in opposition to House Bill 1573-FN, an act discontinuing regional planning commissions and requiring the election of municipal planning members.

The Upper Valley Lake Sunapee Regional Planning Commission has provided valuable services to Claremont, for which our City Council elects to pay dues in the annual budget process. In recent years those services have included highway safety and access management studies on a heavily traveled road with significant crash history, assistance with commercial zoning updates, broadband service, GIS and interim planning services. The Regional Planning Commission's input on the regional transportation plan is important to our City, recognizing that for commerce and the traveler, the road doesn't stop at the city line. We have valued these services and annually budget the City's membership, and hope to do so in the future.

HB 1573-FN also places unreasonable burdens on Claremont as a City by changing the selection of planning board members from an appointed to a partially-elected process. The proposed mix and match for populating the planning board membership in cities is inequitable and confusing. Additionally, it will conflict with state law and the City's Charter requirements regarding municipal elections by effectively requiring annual elections in order to provide for the required rolling terms for planning board members required by RSA 673:5. This bill would also impose a budgetary constraint on Claremont as it would require special elections, an additional burden on local taxpayers.

Thank you for consideration of the City's position in opposition to House Bill 1573-FN.

Sincerely,

  
Guy A. Santagate  
City Manager

## Christine Walker

---

**From:** Thain Allan <thain.allan@comcast.net>  
**Sent:** Wednesday, January 15, 2014 8:10 PM  
**To:** njohnson@metrocast.net  
**Cc:** Christine Walker  
**Subject:** HB 1573

This is to record my opposition to HB 1573

The Regional Commissions provide planning data and support to their member communities that could not be replicated at the local level but are invaluable in the local planning effort. The cost of the work done by the commissions to assist the Dept. of Transportation in their infrastructure and implementation planning throughout the state would either never be done or cost significantly more.

The Regional Planning Commissions are an important and extremely cost effective resource for local communities and state agencies.

Robert Trabka  
155 Gilman Pond Rd.  
Newport, NH 03773  
January 15, 2014

The Honorable Marjorie Porter, Chair  
Municipal and County Government Committee  
NH House of Representatives  
Legislative Office Building, Room 301  
Concord, NH, 03301

Dear Ms. Porter:

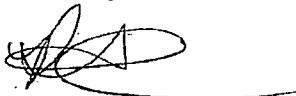
I am writing in opposition to NH House Bill 1573. I am the Chair of the Unity Planning Board and a Commissioner with the Upper Valley Lake Sunapee Regional Planning Commission (UVLSRPC). Our Board has worked with the UVLSRPC on numerous projects such as the creation and subsequent updates of our Master Plan, Hazard Mitigation Plans and other necessary Land Use Regulations.

As a community of ~1200 people, the UVLSRPC allows us get the wide range of expertise we need but cannot afford to staff, even on a part time basis. My personal experience has been nothing short of complete satisfaction with the professionalism, efficiency and experience of the Commission staff that have provided aid to our community.

As a Commissioner I can see firsthand the initiatives of the Commission, evaluate their effects on my community, share that perspective with other Commissioners and take part in the decisions. I am an elected member of the Planning Board and while appointed to the Commission, I am accountable to my constituents. My Board discusses the value of being a member of the Commission and we have a choice whether or not to join. It seems to me that if communities did not find value in the Regional Planning Commissions they would cease to exist.

I have listened to the arguments in favor of this Bill and while I do believe that Planning Board members should be elected, I do not believe that my Regional Planning Commission should be eliminated.

Sincerely,



Robert Trabka  
Chair, Unity Planning Board

Rep. Cormier, Belknap 8  
January 23, 2014  
2014- \_\_\_\_\_

Draft Amendment to HB 1573

Amend the bill by replacing all after the enacting clause with the following

1 Committee Established. There is established a committee to study regional planning commissions.

2 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives.

(b) Three members of the senate, appointed by the president of the senate.

II. The speaker of the house of representatives and the president of the senate shall, if feasible, include in their appointments at least one member who is also a member of a regional planning commission.

III. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

3 Purpose and Duties. The purpose of the study committee is to return legislative authority to and oversight by the general court. The committee shall study the structure, governance, operation, delivery of services, effectiveness, and accountability of regional planning and existing regional planning commissions and propose changes to current law in order to implement and codify needed reforms. In particular, the committee shall study the impact of requiring regional planning commission appropriation and budget-making processes on those used by New Hampshire political subdivisions; repealing RSA 36:49-a; and, amending NH RSA 36:49 to prohibit regional planning commissions from accepting or and receiving any funds, grants, and or services from the federal government or its agencies, from departments, agencies and instrumentalities of state, or from private and civic sources.

4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named house member. The first meeting of the

committee shall be held within 45 days of the effective date of this section. Four members of the committee shall constitute a quorum.

5 Report. The committee shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2014.

6 Effective Date. This act shall take effect upon its passage.

## HB 1573

This is the very first Hearing I have ever attended. I am concerned about the growth of Govt. in all forms intruding more and more in my private life. I have decided that now is the time to speak up and start downsizing Govt. The following are some of the reasons why.

In 1993 President Clinton signed Executive Order #12852, requiring all Federal Agencies to implement called at that time The Sustainable Communities Initiative (SCI). Here in NH it is called Granite State Future (GSF). It has many names in many States but is consistent.

NH's Nine Regional Planning Commissions, bolstered by the support of mostly quasi-governmental and non-governmental organizations, private "stakeholders", and lobbying groups such as the **NH Planners** (NGO) are currently engaged in promoting a "Granite State Future", a sustainable communities initiative for all of NH. GSF is a prime example of the use of **top-down**, regional governance of the exact kind being imposed all over the world. The Nashua Regional Planning Commission is the point group for the procurement of EPA/HUD/DOT federal funds for this project. It is a layer of government that is attempting to move forward on plans that in many cases, do not have public approval except from special interest groups and NGOs that have formed "public-private partnerships" with these quasi-government agencies that will receive federal monies.

Regional Planning Commissions were created by the NH legislature in 1969. They used to be about sharing fire trucks and schools among towns but have since strayed far from their original purpose.

In 2011, then Governor Lynch created a "Water Sustainability Commission" which works in a similar fashion to the RPCs and also supports the GSF plan. In addition to their erroneous premise that NH is experiencing a water crisis, they have actually suggested that water be considered a state-owned resource because people who get their water from private wells, wells that exist on their own property, get water "too cheaply".

After viewing scores of RPC documents, the adoption of the GSF plan could result in the measurement, taxation, and ultimate control over everything and everyone within the state. It is a scaled-down version of an idea from the UN called Agenda 21, a GLOBAL plan based on radical environmentalism and sustainability, which would control every resource on the planet, including humans. The promotion of "healthy, vibrant communities" is being used as the hook. But what is really being promoted is a "back to the wild" philosophy where people would be herded into mixed-use areas of compact housing in existing towns and cities where they would not have to use their cars, and discouraged or even banned from building in rural areas, all in the name of preventing "sprawl".

Outrageous nonsense you say? Not at all. We'll show you the documents that talk about what these supposedly "advisory-only" taxpayer-funded Regional Planning Commissions are doing and how they are doing it. These Planning Commissions are comprised of UNELECTED members. The fact that these new bureaucracies are accepting federal monies to be used locally, supersedes state and local control. We the people, have no vote and no say in what they do, despite their invitation of public input during staged "listening sessions". Their plans are pre-determined, and did NOT originate in the community as they would have you believe.

Before this even began, the RPCs braced for resistance. They admitted that they would need to "...identify existing and potential barriers to ensuring sustainable communities and to articulate the strategies the regions will use to mitigate or overcome each barrier. Anticipated barriers include NH's strong tradition of individual property rights and resultant resistance to planning and zoning; and a currently strained state budget that will limit state agencies capacity to conduct future planning efforts."

**The 9 RPCs in New Hampshire** were created as "political subdivisions" in 1969, and operate under **RSA 36 (45-53)**. Their existence is filled with contradictions. For example, while the state mandates

the towns get help from the RPCs to write their master plans, towns are only paid members on a voluntary basis. Furthermore, when RPCs procure money for town projects through federal HUD grants, often there are requirements within those grants that would mandate zoning changes. This would seem to contradict the assertion that RPCs are "advisory only". To make things worse, now some towns want to remove the right of the voters to approve zoning changes and there has even been a bill submitted to the NH legislature to allow this. HB 1124 permits towns to opt out of official ballot voting requirements for the consideration and adoption of zoning ordinances. The RPCs have used our tax money to hire lobbyists to promote these types of bills so they can push their agenda through even faster.

While RPCs are NOT NGOs, they are a layer of government over which the voters have little, if any oversight. Their boards are unelected.

RPCs may as well be NGOs since private corporations and their foundations and NGOs are their biggest influence. Private corporations have even provided them with PR firms to convince the voters that the ideas they promote are coming from the community when they are NOT.

Oh boy, hang on to your hats. If the push toward regionalism were not brazen enough, now the California Senate is looking to pass a bill to create a new political subdivision.

"California's Senate Bill 1 is what the founding fathers fought against. Straight from the U.N. Agenda 21's playbook, CommSB1 will give power to a county to form a "Sustainable Communities Investment Authority" (SCIA). These Authorities have the power of eminent domain and can confiscate private property to build "sustainable communities." The bill essentially paves the way for the loss of any true private property in California, resulting in the loss of freedom and driving down home values. This means that city and county governments can create unelected bureaucracies with the power to do what's necessary to create "sustainable communities." It also means that the definition of "blight" will change from the original definition of abandoned and decaying buildings on residential lots to a much wider definition including anything the bureaucracies need to create sustainable communities."

The push is toward regionalism and Appointed, Not Elected! officials. DO NOT LET THIS HAPPEN! That is what RPCS are really all about. Another example.

HB 1266 – This is NHMA policy bill that would **allow** towns to vote to authorize the appointment of the town clerk by the selectmen or town manager. Current law requires the town clerk to be elected.

There are many other examples that time will not allow. It is my request that this Bill (HB 1573) be supported.

Hal Graham    1204 New Hampton Rd. Sanbornton NH 03269    286-3506

To the Municipal and County government committee:

I am writing to support HB1573.

We have lost control of our government; Regional Planning Commissions are but one example. They were set up well intentioned to help towns with their planning process, but they have morphed into bureaucracies that mandate (not advise) the agenda of the ever growing Federal government. The taxpayer (who pays them) has no say in what they decide to do, even though it may appear so, as they use Delphi listening sessions to pretend they are listening to public opinion. Not so. They only write what they want, or have planned, and call it public input. The public is not allowed to speak at their meetings. They have no reason to listen to us, therefore we have lost control, and they should be abolished.

Peggy Graham

1204 New Hampton Rd.

Sanbornton, NH

286-3506

**Testimony for HB 1573**  
**Municipal and County Government**  
**January 16, 2014**  
**Submitted by Jane Aitken, CNHT, NHTPC**  
**603.472.7488**

Under the guise of "sustainability" and "economic resilience" our federal government is pushing for "regionalism" and "new urbanism" in every state in the country. Some states such as Florida and California are being asked to accommodate several of these programs, while NH has only one called "A Granite State Future". These programs are made possible by HUD/EPA/DOT grants. In NH, the grants are procured by the Nashua Regional Planning Commission.

The purpose of regionalism/new urbanism were made clear from the recommended readings posted on the <http://www.granitestatefuture.org> website. The following three points were taken from the recommended readings found in the Regional Plan Framework Appendices on Housing and Regionalism: "Restructuring Local Government" (Rusk, David. 1993. Cities without Suburbs. Washington D.C.: Woodrow Wilson Center Press). The words emphasized in red are the most troubling. (<http://cms.mildredwarner.org/summaries/rusk1993>)

**1. Empowering Urban Counties**

*The most direct and efficient way to create metropolitan government in the majority of metro areas is to empower urban county government. In this scenario, the county government assumes the functions and responsibilities of the municipal governments within its boundaries, and municipalities are abolished.*

**2. Consolidating Cities and Counties**

*This involves creating area-wide governmental units, focusing on consolidating municipal governments with their surrounding county governments. Consolidation brings unification of the tax base and centralization of planning and zoning.*

**3. Combining Counties into Regional Governments**

*This involves combining several counties in the same metropolitan area into one regional government.*

***Challenges to these regional approaches include potential loss of power at the local level.***

*As NH citizens we object to this blatant attempt to usurp local control. Here are some things we have learned in our experiences after investigating regional planning commissions and their programs.*

- RPCs were created by RSA 36 in 1969 but up until now were about limited issues such as common roads or sharing resources such as fire trucks.
- RPCs are unelected boards who are subject to very little oversight by the voters. The legislators, local board members, and voters have demonstrated that they may never have heard of them, or do not understand how they work. Neither the legislature nor the voters get to vote on any of their initiatives even though the RPCs claim their ideas are 'community based'. Many times RPCs seek to revive issues that voters have rejected numerous times that . (See article below with Hampton videos)
- RPCs have now morphed into something they were never intended to be, concerned with

every aspect of a person's life including the food we eat etc under the guise of economic resilience, sustainability, or social justice. "...public health, transportation, economic development, infrastructure, housing, land use, energy, cultural, historic, and natural resources, and more!" per their website. (Here are two documents on *Health Planning*: <http://www.dhhs.nh.gov/omh/documents/disparities.pdf> and *Child Care*: <http://www.planning.org/research/fam.../childcare.pdf>)

- RPCs are part of the push toward regionalism as a political subdivision as opposed to local and state control.
- RPCs cited in one of their documents, concerns about how they would need to overcome "NH's strong tradition of individual property rights" in order to accomplish their goals. (from New Hampshire Sustainable Communities Initiative Project Summary Application)
- RPCs are using our tax money to lobby for legislation that would enable these federal HUD/EPA/DOT programs that become binding upon the towns who participate. This is evident by the fact that they are lobbying for NH laws that would give them more power and authority while taking the vote, and local control, away from the people — all while claiming to be 'advisory only'. Bills that would give RPCs more power because they would allow towns to appoint rather than elect officials, and/or take the vote away with regard to zoning and planning and put the decisions in the hands of a small board.
- RPCs have told us they will continue to impose their agenda even when towns reject their programs, through 'back door' means such as planning and zoning board members favorable to their cause and by passing legislation to give themselves more authority.
- RPCs secure federal grants that require zoning changes as the Obama administration has made it clear this is how they will attempt to impose economic and racial justice in neighborhoods they deem too racially or economically homogenous. See the pain it caused Westchester NY: <http://blog.granitestatefutures.org/2013/09/20/rob-astorino-on-hud-social-engineering/>
- RPCs create public-private partnerships with influence from mostly NGOs, corporations and other private 'stakeholders' who stand to benefit by the results of these programs. Think 'green companies'.
- RPCs, in particular the NRPC, has claimed to want public input and attendance at its Listening Sessions (PR) for Granite State Future, but when that input was given, it was not welcome. The meetings were stacked with paid operatives or 'stakeholders'. Information was presented to the small minority of ordinary citizens in attendance in a dishonest way. Mostly it is private corporations, their foundations, NGOs, and multiple PR firms who are involved. The "crises" they claim are nonexistent and the ideas for these changes as the "remedy" are not coming from the taxpayers. (Hegelian Dialect)
- RPCs have directly attacked activists, misrepresenting themselves repeatedly to those we have done business with, posing as a private commercial entity. They claimed to enjoy copyright on products which are in reality, produced with 100% taxpayer funding and thus subject to NH's RSA 91-A laws. It was not until the NRPC was challenged in court that they ceased and desisted this harassment of individuals sharing the information.
- Regionalists are unhappy with the fact that many people are rejecting their schemes. In NH,

many towns have voted to stop paying dues to the RPCs. In other states, towns and cities are opting out of these regional schemes. This study demonstrates the impatience of the regionalists in reaching their goals. "The Promise and Perils of 'New Regionalist' Approaches to Sustainable Communities"  
[http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1818030](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1818030)

### FOR MORE INFORMATION

Please read these Patch blogs on these matters, especially the "Open Letter to Legislators" here:  
<http://bedford-nh.patch.com/groups/jane-aitkens-blog/p/open-letter-to-nh-legislators>

And...

<http://bedford-nh.patch.com/groups/jane-aitkens-blog/p/bp--agenda-21-iclei-and-regional-planners-response-to504ab451b2>

And...

<http://bedford-nh.patch.com/groups/jane-aitkens-blog/p/bp--the-perfect-society-whose-vision-is-it-anyway>

Agenda 21 can no longer be considered a 'theory' because it clearly states in the federal register that our government's sustainability programs were meant to carry out the goals of Agenda 21...  
<http://blog.granitestatefutures.org/2013/08/09/agenda-21-in-pinardville/>

The Federal Government is stepping up plans to impose these programs upon us:  
<http://www.foxnews.com/us/2013/07/09/restructure-us-government-to-make-huge-green-changes-in-america-study-proposes/?test=latestnews>

Here is a series of videos that demonstrate a comedy of errors on how local boards and some legislators really have no idea about the RPCs:  
<http://blog.granitestatefutures.org/2014/01/12/confusion-surrounding-regional-planning-commissions/>

Master Planner Andrés Duany (Florida) is brutally honest in these short clips about the top-down system that is regionalism and what it would do to control counties, cities and towns and re-orient political subdivisions. <http://www.youtube.com/watch?v=O3rGwpyNwnY>



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PHONE 603-224-9909  
FAX 603-226-0902

**NEWFOUND  
AUDUBON CENTER**

50 North Shore Road  
P.O. Box 142  
Hebron, N.H. 03241  
PHONE 603-744-3516  
FAX 603-744-1090

January 16, 2014

The Honorable Marjorie Porter  
Chair, House Municipal and County Government Committee  
Room 301, Legislative Office Building  
Concord, NH 03301

Dear Chairman Porter and Members of the House Municipal and County  
Government Committee,

**Re: Opposition to House Bill 1573-FN discontinuing regional  
planning commissions and requiring the election of municipal  
planning board members**

I am writing on behalf of the Audubon Society of New Hampshire in  
opposition to HB1573-FN. We are a statewide non-governmental  
organization dedicated to protecting New Hampshire's environment for  
wildlife and for people.

HB 1573 would eliminate New Hampshire's nine regional planning  
commissions. Regional planning commissions have served New Hampshire  
municipalities well for more than 40 years, providing a forum for discussing  
transportation, economic development, environmental, and land use issues  
that cross municipal boundaries, and facilitating regional approaches that  
save municipalities money. The award-winning regional wastewater  
treatment facility that serves 10 Lakes Region communities and the  
Dartmouth Regional Technology Center that provides an incubator for start-  
up companies in the Upper Valley are prime examples of the beneficial role  
that regional planning commissions play in the State.

In addition, Regional Planning Commission staff provide critical technical  
assistance and expertise to all-volunteer planning boards of small, rural  
communities that can ill-afford to hire municipal employees or pay planning  
consultant rates. HB1573 would eliminate this cost-effective source of  
expertise, which more than 200 communities currently use. The fact that  
90% of New Hampshire communities pay dues to participate in and benefit  
from the services that regional planning commissions provide speaks to the  
value communities place on them.

HB1573 also requires that the majority of municipal planning board  
members be elected. Current New Hampshire law (RSA 673:2) provides that  
the legislative body of a municipality has the authority to determine whether  
local planning board members are to be elected or appointed. The  
appointment option makes it possible for town officials to seek out



individuals with the broad range of experience and expertise (including real estate, engineering, development, legal, and environmental) needed for evaluating subdivision and site plan review applications and updating master plans and land use regulations. Professionals with such expertise may be willing to serve an appointed term, but may not have the time or resources to campaign for a seat.

Since municipal participation in a regional planning commission is voluntary, and municipalities currently hold the authority to determine whether planning board members are appointed or elected, HB1573 is also an attack on local control.

We urge you to vote HB 1573 Inexpedient to Legislate.

Sincerely,



Michael J. Bartlett  
President

ROCKINGHAM  
  
PLANNING  
COMMISSION

156 Water Street, Exeter, NH 03833  
Tel. 603-778-0885 ♦ Fax: 603-778-9183  
[email@rpc-nh.org](mailto:email@rpc-nh.org) ♦ [www.rpc-nh.org](http://www.rpc-nh.org)

January 15, 2014

The Honorable Marjorie Porter, Chair  
Municipal and County Government Committee  
N.H. House of Representatives  
Legislative Office Building, Room 301  
Concord, NH 023301

**RE: Opposition to HB 1573**

Dear Chairperson Porter and Members of the Committee:

I am the current Chair of the Rockingham Planning Commission (RPC), one of the nine regional planning commissions in New Hampshire. As I am unable to attend the hearing on HB 1573 in person, I am writing to you to express our opposition to this bill and determine that it is inexpedient to legislate.

We continue to be confounded by the logic behind this and previous attempts to eliminate the RPCs in New Hampshire. It makes no sense in a state where home-rule, local responsibility and efficiency in government are highly valued. Twenty six of the twenty seven municipalities in our planning region, including my own town of Kingston, voluntarily decide each year through their budget process to maintain their membership in this organization. They do so because of the benefits they derive from the Commission. I would ask that the Legislature **not** take this choice away from New Hampshire's municipalities. We can each choose to end our relationship with our respective RPC if that is what is in our best interest.

I would like to emphasize two key points: First, it is the municipalities of New Hampshire who create and sustain the regional planning commissions, not the State. The State's principle contribution was to enact the enabling law in 1963 that allowed municipalities to form regional planning commissions if they so desired. Over 90% of the state's cities and towns continue to make that choice in the affirmative each year and should not be denied that opportunity in the future. Second, a number of State agencies rely on planning commission services to augment their ability to provide support services to municipalities. Planning commissions provide these services at a comparatively low cost – and in most areas at no cost to the state. If the regional planning commissions cease to exist, most of those services will have to be provided by others – and in all likelihood, at much higher cost.

As you consider this legislation, please consider:

- As laid out in RSA 36, regional planning commissions are enabled by the state, but not created by the state. The regional planning commissions are established by their member municipalities by vote of town meeting or city council, and then voluntarily supported by them on an annual basis by paying membership dues. Should the Legislature take away the ability of municipalities to establish and support regional planning commissions if they have found them to be useful and valuable? Municipalities may at any time decide to not pay dues and participate in their regional planning commission, but it is their choice and should remain so.
- Regional planning commissions benefit their municipalities by significantly leveraging funds for planning and development projects. For every dollar of local dues paid by member municipalities, more than 10 dollars in

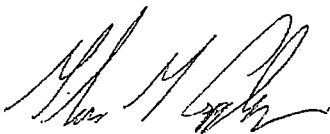
planning funds are brought into this region for the direct benefit of our municipalities – not including grant funds for specific local development projects.

- Regional planning commissions save money for member municipalities by offering high quality, low cost professional planning services. For example, the circuit rider services we provide to 11 of our smaller member towns help them avoid or delay the necessity of hiring their own full time planner, thus reducing the cost of local government. Regional planning commissions provide expertise in a variety of areas that municipalities would otherwise have to hire consultants to accomplish at higher cost, or might turn to the state to provide.
- The regional planning commissions provide on-the-ground assistance to municipalities in coping with complex planning, zoning and permitting issues, interpreting laws and regulations, complying with meeting procedures, right-to-know requirements and balancing property rights with public health and safety standards – issues that have been made more complex over the years by various state established laws, rules and case law. This is especially important for smaller municipalities without access to professional staff.
- State funding makes up a very small (and declining) fraction of the regional planning commissions' budgets (in our case it is less than \$12,000 per year, less than 2% of our budget). Given that level of support, the regional planning commissions contribute a remarkable amount of service to the State in terms of review/advice/involvement/council on various issues. This is further evidenced by the large number of references to various statutes listed in HB 1573 that would need to be struck. Most of the roles we are asked to fill are done so with out compensation from the State and would need to be fulfilled by state agencies or other entities if RPCs did not exist, at higher cost.
- Regional planning commissions provide significant cost efficiencies to the State by extending the capacity of state agencies to deliver services to municipalities that would otherwise require dedicated permanent staff at those agencies and increase costs.
- There is a growing desire and economic necessity for municipalities to work together to solve problems and share services where appropriate. Regional planning commissions are one of the few sources of help for municipalites to facilitate regional cooperation. The dissolution of regional planning commissions would eliminate that important source of assistance in the future.

In closing, the regional planning commissions provide cost-effective services to both municipalities and State agencies. The planning commissions' staff's professionalism and dedication to providing these services are a valuable resource that we cannot afford to lose.

I appreciate your time and service to New Hampshire, and will be happy to speak with you or any of the committee members or bill sponsors about this matter at any time.

Sincerely,



Glenn Coppelman, Chair  
Rockingham Planning Commission

cc: Planning Board, Boards of Selectmen and Conservation Commission Chairmen in the RPC region  
Legislative Delegation, RPC Region  
RPC Commissioners

## Testimony House Bill 1573

Good Afternoon. I am Hillsborough County Commissioner Toni Pappas from District One, Manchester.

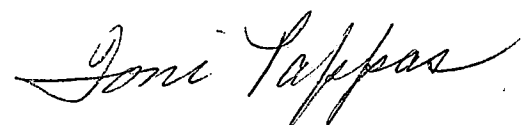
I am speaking in opposition to HB 1573. In my humble opinion, it would be a great loss to discontinue the Southern NH Planning Commission in its present form. The services provided are invaluable.

Planning, economic development and the regional impact of local actions on the larger community are complex matters that require the expert knowledge and a keen understanding of how what may appear to be small actions can often have significant and unintended consequences. Likewise, those small actions, if properly executed, can deliver great benefit both locally and across a region.

The knowledge and expertise available through the planning Commissions to entities such as counties and municipalities is invaluable to efforts to make sound decisions. Regional Planning Commissions save communities money by providing low cost planning services. Many times these communities do not have the ability to employ or otherwise engage individuals with planning skills.

Depriving counties and communities across the state of the Commission's resources appears to me to be short sighted and foolish especially since the funding from the General Fund is so small. As you know, membership dues are voluntary. For every \$1 of dues received, the Commissions bring in over \$8 in planning grants and services.

I urge you to vote down this bill. Thank you for your attention.

A handwritten signature in cursive script that reads "Toni Pappas". The signature is written in dark ink and is located in the lower right portion of the page, below the main body of text.

**Regional Planning Commissions  
Budget FY2012**

*Please Look at Salaries!*

**Ordinary Income/Expense**

**Income**

**Federal Grants**

US Department of Commerce

238,000

98,000

46,000

75,000

60,337

US Department of Agriculture

14,000

Environmental Protection Agency

10,000

167,500

22,850

207,700

2

Federal Highway Administration

386,300

239,000

309,690

779,053

616,923

476,868

FEMA

25,000

45,000

33,350

41,580

17,500

26,710

US Department of Energy

23,000

23,000

23,265

24,000

25,000

**Total 4200 - Federal Grants**

**696,300**

**572,500**

**764,381**

**435,155**

**820,633**

**941,123**

**588,917**

**Local Planning Contracts**

276,645

114,301

68,118

23,400

46,140

185,558

101

**Membership Dues**

60,000

123,521

105,115

97,776

165,935

139,631

85,876

**Miscellaneous Income**

13,700

3,700

2,250

2,200

13,000

24,812

20

**State Grants**

11,962

26,259

21,438

10,714

125,984

16,042

11,438

**Other**

10,000

172,131

**Total Income**

**\$1,058,607**

**\$850,281**

**\$1,133,433**

**\$569,245**

**\$1,171,692**

**\$1,307,166**

**\$686,352**

**Total Expense**

1,048,375

850,281

1,103,903

553,469

1,171,692

1,304,187

672,157

**Net Ordinary Income**

10,232

0

29,530

15,776

0

2,979

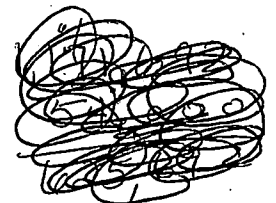
14,195

**Information from SWRPC or NRPC  
months after the request**

*[Handwritten signatures and initials]*

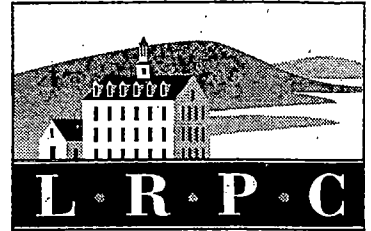
	NCC	LRPC	UVLSRPC	CNHRPC	SNHPC	RPC	SRPC
Director	95,121	90,086	79,081	76,650	102,317	75,440	78,865
Assistant Director	79,667					67,160	
Planning Director	55,458						
Controller	70,200		46,800			56,840	48,984
Eco Devel Planner	58,715						
Transportation Planner	46,508			40,015	51,051		38,188
GIS/Community Planneer	41,867		46,800	38,377			
Senior Planner		60,784	57,000			57,200	
Senior Planner			56,784			48,040	
Senior Planner				49,038			
Planner		41,714	54,288	38,115	46,253		38,188
Planner		40,170	49,800	48,438			38,188
Planner		39,188		39,686			
Administrative Assistant		27,192	35,360	26,994			
Part time	12,986	22,888	3,000				
Part time		22,360	5,000				
Part time		12,866					
Temporary		12,300					
Chief Planner					64,643		
Sr Transportation Planner					63,804	58,500	
Transportation Planner/Engineer					59,651		
GIS Analyst					45,435		
Planning Technician					36,465		31,200
Office Administrator					35,705		
PT bookkeeper					32,205		
PT traffic counter					8,326		
Senior GIS/Transportation Analyst						44,750	
Senior GIS/Transportation Analyst						52,520	47,840
Executive Assistant							43,534
Interns			14,000			6,500	9,168
Secretary/Office admin						37,000	
Transportation Program Manager						63,300	
Regional Planner						42,900	
Assistant Planner			32,000				
<b>TOTAL</b>	<b>\$460,522</b>	<b>\$369,548</b>	<b>\$479,913</b>	<b>\$357,313</b>	<b>\$545,855</b>	<b>\$610,150</b>	<b>\$374,155</b>

No information from SWRPC or NRPC



# LAKES REGION PLANNING COMMISSION

103 Main Street, Suite #3  
Meredith, NH 03253  
tel 603-279-8171  
fax 603-279-0200  
www.lakesrpc.org



January 8, 2014

Chairwoman Porter and Members of the Municipal and County Government Committee.  
64 Schools Street  
Hillsborough NH 03244-4878

RE: HB 1573-FN an act to discontinue Regional Planning Commission

Representative Porter:

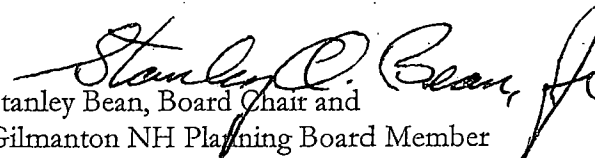
The Lakes Region Executive Board unanimously voted to oppose this bill at its regular monthly meeting today. Please ITL this Bill. Just as when a similar Bill was introduced in 2012 and it did not receive even one vote of support, HB 1573 is clearly inexpedient to legislate.

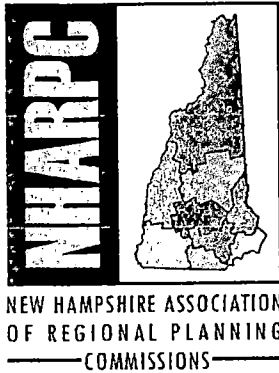
Lakes Region Planning Commission includes 30 communities who voluntarily pay dues to the Commission to help them address local and regional issues. We are governed by our member communities and it is hard to understand how eliminating RPC's could in any way be construed to be in the public interest.

If this Bill proceeds forward, local planning board representatives from the Lakes Region Planning Commission will be willing to testify against it.

Thank you for your consideration of this request.

Sincerely,

  
Stanley Bean, Board Chair and  
Gilmanton NH Planning Board Member



37 Ashuelot Street  
Keene, NH 03431  
603-357-0557

**Central NH Regional  
Planning Commission**  
28 Commercial St. Suite 3  
Concord, NH 03301  
Telephone: 226-6020

**Lakes Region  
Planning Commission**  
103 Main St. Suite 3  
Meredith, NH 03253  
Telephone: 279-8171

**Nashua Regional  
Planning Commission**  
9 Executive Park Dr. Suite 201  
Merrimack, NH 03054  
Telephone: 424-2240

**North Country Council**  
The Cottage on the Rocks  
107 Glessner Road  
Bethlehem, NH 03574  
Telephone: 444-6303

**Rockingham  
Planning Commission**  
156 Water Street  
Exeter, NH 03833  
Telephone: 778-0885

**Southern NH  
Planning Commission**  
438 Dubuque Street  
Manchester, NH 03102  
Telephone: 669-4664

**Southwest Region  
Planning Commission**  
37 Ashuelot Street  
Keene, NH 03431  
Telephone: 357-0557

**Strafford Regional  
Planning Commission**  
150 Wakefield St. Suite 12  
Rochester, NH 03867  
Telephone: 994-3500

**Upper Valley Lake Sunapee  
Regional Planning Commission**  
10 Water St. Suite 225  
Lebanon, NH 03766  
Telephone: 448-1680

January 13, 2014

The Honorable Marjorie Porter, Chair  
Municipal and County Government Committee  
NH House of Representatives  
Legislative Office Building, Room 301  
Concord, NH 03301

RE: HB1573

Dear Chairman Porter and Members of the Committee:

The New Hampshire Association of Regional Planning Commissions (NHARPC) strongly opposes HB 1573, an act that eliminates Regional Planning Commissions and requiring that all Planning Boards be elected rather than appointed. NHARPC urges the Municipal and County Government Committee to find HB 1573 inexpedient to legislate.

On the issue of mandatory election of all Planning Boards, this requirement invades the discretion presently vested in the local legislative body whether it wishes to elect or appoint its Planning Board. If a particular municipality believes its Planning Board is unrepresentative of the community, NH RSA 673:2 (II) (b) permits the Town Meeting to vote to require the election of Planning Board members. Towns and Cities already struggle with having enough volunteers to sit on local land use boards, and adding a mandatory election requirement will only compound this problem.

Concerning the elimination of Regional Planning Commissions, in 1969 the State of New Hampshire demonstrated support for local control by enabling municipalities to create non-regulatory regional planning commissions. Prior to then, a number of non-profit organizations such as the Upper Valley Development Council, Inc. (1963), Nashua Regional Planning Commission (1959), and the Monadnock Association (1940s) began forming around the state to meet the growing need of planning for development across municipal borders. The enabling legislation allowed two or more municipalities "by ordinance or resolution adopted by the respective legislative bodies of said municipalities, to form a regional planning commission." Regional planning commissions are governed by Commissioners appointed by the municipal officers of each municipality and county and can be dissolved by the municipalities at any point when they do not demonstrate value to the communities they represent.

While there is no requirement to join, approximately 90% of the 234 municipalities within New Hampshire are members of one of the nine regional planning commissions, demonstrating significant local support. The regional planning commissions represent a cost effective way for municipalities to pool resources, reducing the need to hire more expensive consultants and/or municipal staff.

Regional planning commissions receive less than 2% of their funding from the State's general fund via the NH Office of Energy and Planning. These funds leverage enormous returns for the state in terms of the planning services that are provided. As is evident from the language of HB1573, RPCs are called upon in numerous areas in state law to provide advice and assistance without the use of state funds. Examples include advising on the state development plan, technical municipal planning assistance provided through OEP, assistance to NHDOT in development of the ten year plan, telecommunication planning and development, hazardous waste facility siting, development of regional impact, surplus land disposition, and so forth.

Eliminating RPCs will mean that some or all of these services are no longer available or must be done by state agencies or consultants at higher cost. One impact worth noting is to the Ten Year Plan and State TIP development process. The changes proposed to RSA 228:99 will eliminate the rural RPCs from this process, while leaving the urban MPOs in place (federally mandated). A consequence of this is to leave the rural parts of the state unfairly underrepresented in the process of identifying and prioritizing their transportation needs.

In the absence of technical assistance and training services to municipalities from the regional planning commissions, especially small and rural ones, communities will face increasing risk of legal expenditures potentially costing taxpayers millions of dollars. Regional planning commissions assist communities in interpreting and adapting to new state and federal regulations and provide guidance on appropriate meeting procedures, adhering to public right-to-know laws and the importance of property owner's rights and fairness standards. For some specific examples of activities in which RPCs have been directly involved, please see the attachment to this letter.

The RPCs are established by the Legislature through enabling law in RSA 36. That law leaves it to local governments to decide if they wish to form and join a regional planning commission. We don't understand why the bill's sponsors want to remove that opportunity after the overwhelming majority of New Hampshire's municipalities have determined that it is to their individual and common benefit to participate in their regional planning commission.

Once again, the NHARPC respectfully requests that the Municipal and County Government Committee vote HB 1573 inexpedient to legislate.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenn Ortman". The signature is fluid and cursive, with a long horizontal stroke at the end.

Kenn Ortman  
Chair

## Attachment

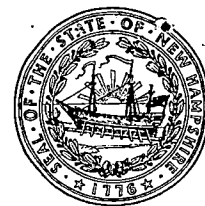
### Some Specific Examples of RPC Activities\*

- There is an increasing demand for collaboration among municipalities in order to provide shared services and address regional problem solving. A regional planning commission collaborated on the analysis which led to the construction of a multi-municipal wastewater collection and treatment facility that serves 10 communities in the Lakes Region. The results identified a far less costly alternative to building and operating separate municipal systems, saving potentially \$100's of millions of dollars. These types of projects play a huge role in the state's overall water quality. The economic value of water quality in the state of NH was measured in 2007 through annual sales generated by anglers, boaters and swimmers in 2007 to be over \$379 million. This exceeds revenues from Laconia's Bike Week, two annual NASCAR events, Off-Highway Vehicle spending and spending at agricultural fairs. Nearly 6,000 full time and seasonal jobs are generated by these activities. In another region, the collaborative work done through energy planning has led to joint purchasing of electricity which is estimated to save the region 30% - approximately \$450,000 per year - in municipal electric bills.
- Regional planning commissions assist communities to increase their financial strength and create job opportunities. In a collaborative effort between a regional planning commission, and economic development organizations and Dartmouth College, the Dartmouth Regional Technology Center (DRTC) was built in 2006 and expanded in 2010. It is jointly owned by the regional planning commission and the economic development council. The DRTC contains 60,500 square feet of incubator space and has enabled over 42 new high-growth technology and bio-tech start-up companies to create over 200 good-paying jobs since opening in 2006, and has stimulated over \$5,900,000 in private investment. In other regions, regional planning commissions have collaborated with "angel investment groups" to spur economic opportunities.
- To ensure future transportation needs are met, regional planning commissions play an integral role in developing the NH Ten Year Transportation plan that determines how and when bridges, roads, and public transportation infrastructure will be funded, built, and maintained throughout the state. In Southern New Hampshire the regional planning commissions have been directly involved in the expansion of Interstate 93 and have assisted 26 communities with planning for the impacts of that expansion.
- The involvement of one regional planning commission supported the initiative which led to the \$44.5 million federal broadband infrastructure grant for the State known as "Network NH Now". The regional planning commissions are currently working with University of New Hampshire in a five year process to plan and determine the statewide needs for broadband in order to direct future funding for further implementation.
- Although regional planning commissions are advisory and have no authority to implement zoning and land use regulations, they do provide municipalities with valuable assistance that help maintain the State's essential rural character. This has proven vital to the identity of New Hampshire and has long been valued as a core strength of community success. Regional planning commissions assist communities with determining their future visions through facilitating inter-municipal collaboration efforts such as the local rivers management programs, providing analysis on regional housing needs, and identification of natural assets that communities value.

\* This list is intended to be illustrative and is by no means comprehensive.



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 13, 2014

The Honorable Marjorie Porter, Chair  
Municipal and County Government Committee  
Legislative Office Building, Room 301  
Concord, NH 03301

**RE: HB 1573-FN, An Act discontinuing regional planning commissions and requiring the election of municipal planning board members**

Dear Chair Porter and Members of the Committee:

Thank you for the opportunity to testify on HB 1573-FN. This bill would eliminate regional planning commissions (RPCs) and require that municipal planning board members be elected. The Department of Environmental Services (DES) firmly opposes aspects of this bill relating to the elimination of RPCs, and takes no position on whether members of municipal planning boards should be elected or appointed.

The RPCs have provided valuable services to DES, other state agencies, and New Hampshire's communities for decades. The discontinuation of RPCs would have direct negative impacts on a number of programs that DES implements. A few examples of the services provided by RPCs that support DES programs, and that would no longer occur if HB 1573-FN were enacted, are summarized below:

- Four RPCs<sup>1</sup> also function as Metropolitan Planning Organizations (MPOs) for their regions. States are required to establish an MPO for any urbanized area that has a population greater than 50,000 under the Federal-Aid Highway Act of 1962. Serving as an MPO is one of the most important roles for these four RPCs. The MPOs support New Hampshire Department of Transportation's (DOT) transportation planning efforts and, in coordination with DES, fulfill a requirement of the federal Clean Air Act to assess the air quality impact of transportation plans. MPOs must successfully administer this process in order for these regions to acquire and spend Federal money on transportation improvements. If RPCs were to be discontinued, federal funding for transportation projects could be withheld until these MPOs were re-created under some other organizational structure. Should the State have to fulfill the role of the MPOs in conducting the required analyses there would be an undetermined, but negative impact on budgets to acquire the technical models required to do this work.
- RPCs work closely with DES, the US Environmental Protection Agency Brownfields Program and their member communities to assist with the clean up and reuse of contaminated sites to their highest potential. Brownfields are abandoned properties for which expansion, redevelopment, or reuse is complicated by the presence or potential presence of hazardous substances, pollutants, or contaminants from historical industrial activity. Brownfields sites may include former manufacturing facilities, abandoned gasoline stations, abandoned industrial dumps and closed small businesses such as dry cleaners or printers. For these sites, the RPCs provide expertise to member towns to help determine redevelopment options to ensure the highest economic development potential is realized. Brownfields sites are often critical redevelopment projects to recreate jobs that have been lost in our municipalities. There are numerous examples of successful partnerships over many years across the state involving DES, the RPCs, municipalities and the Department of Resources and Economic Development. Brownfields

<sup>1</sup> The Nashua (1973), Southern NH (1973), Rockingham (2007) and Strafford (2007) Regional Planning Commissions (RPC) have all been designated as the MPOs.

redevelopment efforts could not occur as expeditiously or effectively without the direct support of the RPCs.

- RPCs support efforts by the New Hampshire Office of Homeland Security and DES by providing hazard mitigation planning services to member communities to help prevent flood damage. Tropical Storm Irene and other recent disasters caused by storm events in New Hampshire have demonstrated the critical need for this expertise on a regional basis to help communities reduce damage from future flood events. Flood mitigation planning must be performed on a regional or watershed basis to be effective, rather than stopping at town boundaries. The RPCs have demonstrated an ability to address these issues at a regional level.
- Some RPCs actively support DES's statewide efforts to provide opportunities for all residents to easily and properly dispose of household hazardous wastes (HHW) by implementing HHW collection programs. RPCs have the ability to rotate HHW collection locations through the towns within their regions. For small towns, these regional programs can be more efficient and economical because regional expertise and equipment can be shared.
- DES and the RPCs have worked in partnership for many years on planning initiatives that recognize the value of regional planning to help support our communities and address New Hampshire's environmental and economic issues. In fact, by coordinating efforts and funding provided historically through the DES Regional Environmental Planning Program, a number of work products developed by one RPC have been, by design, developed and made available for use by all New Hampshire communities. For example, a guide was developed by the Upper Valley Lake Sunapee Planning Commission in 2008 that provides guidance that is available to all New Hampshire communities on innovative land use planning techniques that are authorized by RSA 674:21 so that every community does not have to perform initial independent research "from scratch."

In conclusion, the RPCs play a highly productive and valued role for New Hampshire's citizens that is well demonstrated by decades of outstanding performance. Discontinuation of the RPCs by enactment of HB 1573 would leave a serious gap in New Hampshire's planning capacity and substantially diminish support for our communities, especially those that are the smallest and have the fewest resources. This would have lasting negative effects on New Hampshire's environment, economy and quality of life. Therefore, we strongly oppose enactment of HB 1573.

Thank you for your consideration in this matter. If you have questions or need additional information, please contact either Rebecca Ohler, Transportation and Energy Programs Manager ([rebecca.ohler@des.nh.gov](mailto:rebecca.ohler@des.nh.gov), 271-6749) or Rene Pelletier, Environmental Programs Administrator ([rene.pelletier@des.nh.gov](mailto:rene.pelletier@des.nh.gov), 271-2951).

Sincerely,



Thomas S. Burack  
Commissioner

CC: Sponsors of HB 1573-FN  
Christopher Clement, Commissioner, NH DOT

# **New Hampshire Association of Regional Planning Commissions**

## **Summary Minutes**

Meeting of September 4, 2013

### **I. Call to Order**

Chairman Kenn Ortmann called the meeting to order at 10:00 a.m. and asked members to introduce themselves and provide brief background information since new members were in attendance. Members introduced themselves as follows.

Mike Tardiff (Central RPC); Tim Murphy, Larry Robinson (Southwest RPC); David Preece (Southern NH PC); Christine Frost, Katherine Connolly, Peter Guillette (Upper Valley Lake Sunapee RPC); Cynthia Copeland, Kenn Ortmann (Strafford RPC); Kerrie Diers (Nashua RPC); Cliff Sinnott (Rockingham RPC); Kimon Koulet (Lakes RPC); Jeff Hayes (North Country Council); Becky Baldwin (staff).

Guests: Bob Jaffin, Strafford RPC; Bernie Folta.

### **II. Minutes of June 21, 2013 Meeting**

The minutes of June 21, 2013 were approved as submitted by unanimous vote.

### **III. SB 185 Representation on Housing Policy and Regulation Commission**

Chairman Ortmann explained that NHARPC has been given a seat on the Housing Policy and Regulation Commission that was established by SB 185. The appointment is for the NHARPC Chairman or their designee. Chairman Ortmann noted that he is willing to serve in that capacity, however, time constraints may not allow him to fully participate. He asked if another member of the group would be willing to serve as his backup. Kerrie Diers noted that she would prefer a Commissioner serve in that capacity but if none volunteered she would serve as backup for Chairman Ortmann. Chairman Ortmann noted that he would communicate with the Commissioners that are NHARPC members to see if there is interest in serving as a backup on the Housing Policy and Regulation Commission. He added that he would submit his name and the name of his backup to the clerk of the NH Senate as requested. Chairman Ortmann added that he will place this item on future agendas so that information can be shared with Association members.

### **IV. LGC Fall Conference Participation**

Chairman Ortmann announced that we have received an invitation to have a booth at the upcoming NHMA Annual Conference. It was noted that we did this last year and focused on the work of each of the RPCs. The booth was staffed by various RPC employees and provided a good opportunity to interact with town officials and gain support for the Granite State Future project. Cynthia Copeland asked if we will be doing a training session as well and Chairman Ortmann noted that would be taken up as the next item of business on today's agenda. Chairman Ortmann asked if anyone was willing to take on the responsibility of organizing this year's event. Cynthia Copeland volunteered and Christine Frost and David Preece agreed to assist. Bob Jaffin asked when the event would take place and was told November 6-7, 2013.

**Motion: To have a booth at the upcoming NHMA Annual Conference and to pay the \$200 exhibit fee from the NHARPC budget.**

Motion by Christine Frost, seconded by David Preece. Approved by unanimous vote.

Staff member Becky Baldwin reported that a space has been reserved at the NHMA Annual Conference to conduct a session relative to the Granite State Future project. Kerrie Diers volunteered to run the session suggesting that it be similar to the one that was done for OEP and asked if others would be willing to assist. Cynthia Copeland, David Preece and Kimon Koulet agreed that their staff would be available to assist where needed. Christine Frost volunteered the use of her software for the presentation. It was suggested that it would be a good idea if the statewide results of the survey could be incorporated into the presentation. Bob Jaffin offered his assistance, if needed, to help with any presentations being sponsored by the Association.

## **V. Other Matters**

No other matters were brought before the Association at this time.

## **VI. NHARPC - Looking Ahead**

Chairman Ortmann asked Tim Murphy if he could provide the background information for this agenda item. Tim Murphy recalled that the Association had asked the Executive Directors to discuss both the budget and effectiveness of the Association at one of their meetings. These items were discussed at the Executive Director's annual retreat and were reported on at the Association's June 21<sup>st</sup> meeting. He referred members to the minutes from the June 21<sup>st</sup> meeting noting that the Association felt it was important to further discuss the matter at today's meeting to see if we are missing opportunities by focusing mainly on legislation. Chairman Ortmann agreed that over the past 2-3 years the Association's time and energy has been focused on reacting to legislative initiatives and questioned if we should be become pro-active in other areas. Peter Guillette asked if the Association has a mission statement. Tim Murphy responded that we have a statement of purpose in our bylaws and copies were distributed to those in attendance.

Cliff Sinnott noted that a lot of the items listed under Section 2 (e) are redundant to the other items in the section. Kate Connolly asked if the Association has ever proposed legislation and David Preece noted that we have in the past regarding impact fees and changing the RPC's status in the RSAs to be listed as political subdivisions. Christine Frost noted that something needs to be done to allow the RPCs to carry long term debt. Tim Murphy noted that we may want to make modifications to the statement of purpose in a future update of the bylaws but it was distributed to be used only as a point of discussion for today's meeting.

Kimon Koulet noted that a mission statement is usually three to four lines. He acknowledged that the Association has been visible in the legislative arena by taking a reactive position but his Board of Directors would like to see us take a more proactive position and introduce 1-2 pieces of legislation each year. Bob Jaffin observed that our current statement of purpose does nothing to separate the Association from the individual RPCs. Jeff Hayes noted that at a recent discussion the RPC Directors had with NADO officials it was suggested the Association adopt a short mission statement such as "strengthen" or "elevate the RPCs". Kate Connolly noted the main purpose of the Association is to help coordinate and connect the efforts of the individual RPCs as well as serve as a liaison to the legislature.

Cliff Sinnott recalled that the statement of purpose was developed as a result of enabling legislation that states that the RPCs shall assist communities in sound planning. David Preece acknowledged that it is hard to get a message out to the communities given the amount of turnover they have with their elected

officials. Jeff Hayes noted that the primary goal of the Association should be to strengthen the organization. Christine Frost reported that this has been a topic of several recent conferences where the importance of speaking as one united voice to leverage funding has been emphasized. Kimon Koulet shared that the Executive Directors met with their counterparts in Vermont at their retreat and learned that they have excellent support of their state legislature. He suggested that we need to create innovative ways to grow both the RPCs and the Association so that we become more active and visible. David Preece observed that local funding based on taxation available for planning has decreased over the years and noted that a majority of our funding comes from federal transportation initiatives. Christine Frost noted that we need to focus on gaining creditability and building stronger relationships with our towns and the state. Mike Tardiff questioned if we as an Association should be spending less time on legislation and more on other items of importance. Tim Murphy summarized that the key issues discussed appear to be having an Association that can speak with one voice on behalf of the RPCs, serve as a conduit for information sharing and focus on greater participation from our Commissioners. He noted that we need to identify ways to make the Association more effective acknowledging that not all potential activities will be practical or affordable. Larry Robinson noted that finding ways to support the RPCs is important. Kate Connolly expressed that we need to coordinate the needs of all the RPCs and promote a united front. Kimon Koulet stressed the importance of finding a way to accommodate both the executive director's perspective as well as that of Commissioners. He questioned if the Association needs to restructure in order to get more citizen participation noting that the RPCs were formed to begin with due to the concern of individual citizens. Cliff Sinnott stated we have to work on capacity building and do a better job of promoting the things we do. He added that our current list of purposes contain more items than we can afford to focus on and although legislation is important we should cut back on some of our involvement to focus on other items. Cynthia Copeland expressed appreciation for the work that Nancy Johnson does for the Association noting that we would be unable to do it on our own. She added that it is important that we develop a mission statement. Kerrie Diers suggested that we need to define what direction we are going in prior to developing a mission statement.

Following a lunch break Chairman Ortmann asked those in attendance to assist in developing a list of what they feel the Association should be doing differently one year from now. Members came up with the following suggestions:

- Become pro-active and advocate for one or two specific legislative initiatives each year such as allowing RPCs to become fiscal agents and allowing RPCs to incur long term debt.
- Focus on monitoring fewer legislative initiatives.
- Develop an educational local land use board program that would focus on Regional Plan implementation.
- Market the RPCs to improve understanding of what we do.
- Identify what the core capacities of the RPCs are
- Formalize a role for the Association regarding sharing of contracts and staff.
- Formalize protocol for shared participation in statewide activities such as the NHMA annual conference.
- Increase Commissioner participation in the Association.
- Expand Association membership through associate members.
- Conduct an annual conference for Commissioners.
- Develop a catalog of commissioner and staff skills.
- Conduct a NADO statewide assessment of the RPCs.
- Identify funding sources for either the Association or jointly with the RPCs.
- Conduct a campaign to let state agencies, Governor, Legislature, and elected officials know what we do.
- Promote communication to improve relationships and develop contracts with local communities.
- Develop a mission statement.

Chairman Ortmann pointed out that we have come up with sixteen suggestions and asked members to see if the list can be consolidated into fewer items. Members agreed to combine several of the suggestions and came up with the following nine categories:

1. Legislation - To be proactive and advocate for up to two pieces of legislation per year, including allowing RPCs to incur long term debt, and to reduce our reactive focus by monitoring fewer pieces of legislation.
2. Institute a statewide local land use board educational program fashioned after the law lecture series.
3. Hold an annual commissioners conference.
4. Improve the understanding of what RPCs do and who we are.
5. Increase commissioner participation.
6. Conduct a NADO statewide assessment of the RPCs.
7. Expand Association membership through associate members.
8. Promote contracts with local communities.
9. Develop a mission statement.

Chairman Ortmann asked members to prioritize the nine items in the above list according to A - High Priority, B - Medium Priority and C - Low Priority based on level of importance, time necessary to complete and funding requirements. The results were as follows: A - Items 1, 4, 5, and 6; B - Items 3 and 9; C - Items 2 and 7. Members agreed to remove item 8 from the list since it was pointed out that this falls under the jurisdiction of each local community rather than the Association. Christine Frost and Bob Jaffin stated that they felt developing a mission statement should be ranked as a high priority and offered to be on a sub-committee to create one. Tim Murphy observed that we would be in a better position to create a mission statement once some of the other items have been completed such as the NADO assessment. Those in attendance agreed with the ranking.

Chairman Ortmann asked for volunteers to be the point person for each of the items that were identified in the priority listing. Kimon Koulet asked what the timeframe would be to complete each of the A items and Chairman Ortmann responded they should be completed by this time next year with the exception of item 1 noting that we will begin discussing legislation at our next meeting. Kerrie Diers noted that we are not in a position to propose our own legislation this year. David Preece volunteered to be the point person for Item 1 - Legislation both proactive and reactive. Tim Murphy volunteered to be the point person for Item 4 - Improve the understanding of what RPCs do and who we are. Chairman Ortmann volunteered to temporarily be the point person for Item 5 - Increase commissioner participation and Kimon Koulet and Cynthia Copeland volunteered to assist. Kerrie Diers volunteered to be the point person for Item 6 - Conduct a NADO statewide assessment of the RPCs. For the B items both Christine Frost and Bob Jaffin volunteered to work on Item 9 - Develop a mission statement. Christine Frost, Bob Jaffin and Cynthia Copeland volunteered to work on Item 3 - Hold an annual commissioners conference. There were no volunteers to work on the lower priority items and Chairman Ortmann noted he will speak with Cliff Sinnott to see if he would be willing to volunteer to be the point person for Item 2 - Institute a statewide local land use board educational program fashioned after the law lecture series. Chairman Ortmann asked that a space be put on each agenda to allow the point persons the opportunity to provide progress reports to the membership.

Christine Frost pointed out that a lot of the suggestions were combined under the NADO Assessment and shouldn't be forgotten. Those suggestions included: Identify the core capacities of the RPCs, formalize a role for the Association regarding sharing of contracts and staff, formalize protocol for shared participation in statewide activities such as the NHMA conference, develop a catalog of commissioner and staff skills, identify funding sources for either the Association or jointly with the RPCs, and conduct a campaign to let the state agencies, Governor, Legislature, and elected officials know what we do. Mike Tardiff noted we need to conduct the NADO Assessment first and then can move onto the other items. Kerrie Diers suggested the additional list could be given to NADO for their use in interviewing people.

Chairman Ortmann asked who NADO would be interviewing and Kerrie Diers responded that they have a listing of other agencies, associations and legislators that she will share with members. Tim Murphy suggested that in addition to the NADO Assessment we might want to consider periodically inviting influential people to our meetings to share their perspectives similar to what we did with Dave Danielson.

#### **VII. Public Comment**

Bernie Folta announced that he had sent 44 tweets during the course of the meeting and provided his twitter handle for anyone that wanted to read them. Cynthia Copeland noted that she doesn't tweet and Chairman Ortmann asked if a copy could be sent. Bernie Folta offered to email them to each of the Executive Directors. Jeff Hayes asked how many followers he has and Bernie Folta responded two with one of them being a member of the press.

#### **VIII. Adjourn**

Meeting adjourned at 2:20 p.m.

Respectfully submitted,

Rebecca I. Baldwin  
On behalf of NHARPC

January 15, 2014  
Chairman Marjorie Porter  
Municipal and County Government Committee

**RE: House Bill 1573**

I am a planning consultant who has been working in New Hampshire for over 25 years. I presently provide planning assistance to three small communities and I am also a Selectmen. HB 1573, which seeks to eliminate all Regional Planning Commissions and require Planning Board's to be elected, is a needless intrusion from Concord into local matters. This Bill should be voted down based upon the following:

- Regional Planning Commission's (RPC) play a vital role in this state, assisting many communities with a host of planning matters, many of which are small towns who do not have budgets to hire staff. These Commissions provide important information to selectmen, planning boards and conservation commissions. Topics range from zoning, water quality, mapping services and transportation planning. The three communities I work with have used the services of the Commissions on numerous cases for such things as: transportation analysis to support projects on the 10-year Highway Plan, hazardous mitigation plans, mapping services, and regulation review.
- There is no requirement to belong to or be affiliated with a RPC. Member communities pay annual dues that are reviewed yearly. If a community is unhappy with the representation that it is receiving from a RPC, don't like their service or philosophy they can withdraw their support and no longer pay dues; it is that simple. But deciding to do that should be a local decision made by the community and not dictated by the Legislature. The Town of Milford has a long and fruitful relationship with the Nashua Regional Planning Commission and if for some reason that relationship should change, then we can make the decision to no longer receive their services; we don't need the Legislator deciding these matters for us.
- Recruiting citizens to serve on boards and committees today is an endless struggle; people's valuable time is pulled in so many ways. Serving on a board is a significant time commitment and we are very fortunate that so many people make the choice to serve their community. The last thing we need is to place a huge hurdle in front of a volunteer and make that person run for a planning board seat. Again, if the local community feels it is necessary to switch from an appointed board to an elected for any reason, under current statutes that change can occur. .

If the sponsors of this legislation are unhappy with their local Planning Commissions or feel their local planning boards should be elected, they are free to make a case for that change in their local communities. This legislation seeks to dictate to the entire state what is deemed important and what is not. Our State motto still means something and local communities should remain Free to make their own choice in these important decisions.

Mark J. Fougere  
Milford

**Marjorie Porter**

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**From:** Bob Marshall [bmarshall11@myfairpoint.net]

**Sent:** Monday, January 13, 2014 2:53 PM

**To:** qe2atsea@tds.net

Dear Representative Porter,

My name is Robert Marshall. I am chair of the Greenfield Planning Board. I am writing you in regard to the Public Hearing scheduled for Thursday, January 16 on HB 1573. I will be out of state on Thursday and otherwise would have considered participating in your hearing. Be that as it may, I would still like to share some thoughts with you about this legislation.

Greenfield is a small town in Southwest NH near Peterborough. We have no professional planning staff and few local government resources beyond our Town Administrator, who works primarily for the Selectmen and our Bookkeeper, who does "everything else". Everything is done by volunteers and increasingly we're having difficulty recruiting same. Southwest Regional Planning IS our *de facto* planning staff. Whenever we have questions, I always contact Southwest for guidance. Occasionally, I use LGC for legal advice but the primary resource I have in all my planning work is Southwest. To give you some examples:

- Southwest is our primary contractor in Master Planning. We have been working for two years in our current update as required by RSA.
- More than a decade ago, Southwest helped our community in processing Brownfield studies and grants that enabled the community to recover an industrial site and transform it into a Community Septic System.
- Three years ago, Southwest wrote and received a grant for the preparation of a Groundwater Protection District. Our ordinance received 75% voter support.
- In the past two years, working with our Vision Statement from our Master Plan, Southwest has helped our community apply for and receive three major Community Planning Grants, amounting to more than \$40,000 in resources, with the goal of protecting our village and subsequently promoting economic development.
- Southwest has provided us with guidance and support in the pursuit of improved broadband access for our community...central to economic growth and development in today's world. As a result, Greenfield has been chosen as one of 3 towns in the state by the New Hampshire Broadband Mapping and Planning Program to receive assistance in the coming year with community assessment, planning and decision making regarding broadband. This was made possible by collaboration between Southwest and the Greenfield Economic Development Advisory Committee. The NH Broadband and Capacity Building Team will work with the community to develop a specialized plan regarding broadband and economic development, all at no cost to the town.

These are just a few examples of how the regional planning commission supports small communities. There are many more that don't come immediately to mind. If I have a problem, what comes to mind is, "Call Southwest and get some advice!" The cost of securing their services is small compared to the return. If we were to lose this resource, I don't know where I would turn to fulfill my responsibilities.

In my capacity as member of the Planning Board, I would urge you to reject this proposal, thus insuring as least some cost-effective support to help us fulfill our responsibilities in small towns.

When asked last week by the chair of the neighboring Frankestown Planning Board about the services we get from Southwest, I told her to seriously consider joining the commission. I would urge you to support them too!

Respectfully,  
Robert Marshall  
Greenfield Planning Board, Chair

**Marjorie Porter**

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**From:** Lawrence Robinson [lrobinson@ne.rr.com]

**Sent:** Monday, January 13, 2014 2:52 PM

**To:** qe2atsea@tds.net

**Subject:** HB 1573

Rep. Marjorie Porter,

I am writing to you concerning HB 1573. As a former selectman of 15 years in the town of Marlborough I am in deep opposition to HB1573. Without the help of the Southwest planning commission, Tim Murphy and his great staff the town of Marlborough would not have a great master plan as required by law. Planning visioning sessions would have never happened. CDGB grants would have never came about for major employers in the town. The regional planning commissions supplies a much needed service to all small towns that cannot afford a town planner. Planning for the future is something ever town must do to insure the quality of life we have and want to pass on to our children. This bill would add thousands of dollars to town budgets for planning purposes. In the town of Marlborough and in other town our size all of the boards are volunteers and not professionals, so by asking them to do the job of regional planning commissions would be a great disservice to the people of our communities and surrounding communities. Regional planning is a must in today's world. We can no longer do it alone. We need to work together as a region to solve problems and the regional planning commission do that for communities at a very reasonable price. The regional planning commissions know the towns they serve, the region as a whole, and State and Federal agencies that can help the region.

As a selectman I know how hard it was to find people to serve on the planning board and the zoning board. To have them elected would be just as our other boards that we have elected members on, someone gets one write-in vote and then refuses to serve. The planning and zoning boards are vital parts of the town government that needs people who want to serve.

Please relay this to the rest of the committee that this bill needs to be defeated.

Thank you,

Lawrence W Robinson  
16 Laurel Street  
Marlborough, NH 03455

**Marjorie Porter**

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**From:** Ben Daviss [bdaviss@comcast.net]  
**Sent:** Monday, January 13, 2014 1:43 PM  
**To:** qe2atsea@tds.net  
**Cc:** Tara Sad; Lucy Weber; John Mann; Tim Murphy  
**Subject:** please continue to recognize regional planning commissions in state law

Dear Representative Porter:

A bill is before your committee that would effectively abolish the state's nine regional planning commissions. I strongly urge you to reject this ill-considered proposal and continue state recognition of these commissions and the vital work they do.

Please understand that, by law, regional planning commissions have no powers; they cannot constitute a "shadow government" or exercise any powers at all. Instead, they advise their member towns about best practices in handling planning and zoning issues; they help towns update their individual master plans to reflect changes in the towns' needs and desires regarding land use; they work with towns to update emergency preparedness plans; they conduct brownfield site assessments in preparation for redevelopment; and they secure federal funding for crucial area improvement projects that towns and counties would not necessarily be able to afford on their own. Many of the commissions also are leading the effort to extend broadband access to every corner of the state, an initiative essential to our future economic and educational well-being. These are only some of the activities that regional planning commissions undertake on behalf of their member towns.

Regional planning commissions are not able, nor do they seek, to replace the functions of town or county governments. Instead, they exist to help towns most effectively realize their own plans in defining their own futures.

Regional planning commissions have never exercised power nor, under state law, can they. However, they provide essential, cost-effective advisory and research services to all of New Hampshire's towns. Please do not allow misguided ideology to destroy this essential support to our local communities.

Sincerely,

Bennett Daviss  
Secretary, Board of Directors, Southwest Region Planning Commission  
222 Valley Rd.  
Walpole NH 03608  
603-445-2200  
[bdaviss@comcast.net](mailto:bdaviss@comcast.net)

## Marjorie Porter

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**From:** Sara Carbonneau [sarbonneau@town.swanzey.nh.us]  
**Sent:** Monday, January 13, 2014 2:14 PM  
**To:** qe2atsea@tds.net  
**Subject:** FW: HB 1573

See below. My apologies on the incorrect email address!

Sara

Sara H. Carbonneau  
Director of Planning & Community Development  
Town of Swanzey  
PO Box 10009  
Swanzey, NH 03446  
(603) 352-7411 ext.108  
(603) 352-6250 (fax)  
[www.town.swanzey.nh.us](http://www.town.swanzey.nh.us)

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**From:** Sara Carbonneau  
**Sent:** Monday, January 13, 2014 2:07 PM  
**To:** 'marjorie.porter@leg.state.nh.us'; 'qe2atsea@tds.net'  
**Subject:** HB 1573

Dear Chairwoman Porter:

I am writing to express my opposition to HB 1573. Unfortunately, I will be unable to attend the hearing on January 16th. I would appreciate if you would share my concerns with the committee.

I am a professional planner working in Swanzey - a position that I have held for almost 16 years. Working in a small community (population 7300), I often rely on the planning services provided by Southwest Region Planning Commission (SWRPC). Many issues faced by Swanzey are regional issues - transportation, housing, economic development, and so on. SWRPC is uniquely suited for seeing and addressing the "big picture."

SWRPC also has been invaluable in assisting me with planning projects that never would have come to fruition had it not been for its assistance. Whether it was for a road safety audit, CDBG administration for a senior housing project, energy audits of buildings, brownfields assessments, or broadband planning, SWRPC has been ready to provide guidance and assistance to rural communities (such as Swanzey) with limited staff and financial resources.

I appreciate your assistance in relaying my concerns to the Committee. Should you have any questions or would like additional information, please feel free to contact me.

Sincerely,

Sara Carbonneau

1/13/2014

Sara H. Carbonneau  
Director of Planning & Community Development  
Town of Swanzey  
PO Box 10009  
Swanzey, NH 03446  
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(603) 352-6250 (fax)  
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## **The Real Facts**

by: Tim Carter - Founder, [www.TimCarter.com](http://www.TimCarter.com)  
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### **Overview:**

This presentation is intended to educate you about the real facts surrounding the Granite State Future.

Your town may have already been approached, or will soon be, by your Regional Planning Commission about this program. However, I'm quite certain they've not told you all the facts.

The omission of facts may be totally unintentional because this program is extremely complex, and it's interwoven with any number of other planning initiatives that have crept into New Hampshire and every other state in the USA.

You can't make wise and informed decisions about planning, or any other government initiative, unless you have all the facts.

I suggest we get started.

**Tim Carter**

Camp Constitution Press

## Forward

Camp Constitution is pleased to be able to reprint this important article by Tim Carter. Granite State Future is just one of the many entities that have been set up around the country to help implement Agenda 21, a plan that was introduced to the world in 1992 at the United Nation's Earth Summit held in Rio de Janeiro. Readers who would like more information on the subject may use this link to a short video entitled "Agenda 21 for Public Officials: <http://www.youtube.com/watch?v=yfUIWMQ92RU>

Hal Shurtleff, Director Camp Constitution April, 2013

## What is Granite State Future?

Visit the official [Granite State Future website](#), and here's exactly what they say under the **Our Plans** section:

"*A Granite State Future* will help communities integrate planning across sectors and identify, share, and replicate successful projects. Together, this collaboration will make it possible for large communities and small villages throughout the state to achieve economic vitality, and protect the natural resources, character and rural landscapes that are so important to New Hampshire."

## The Real Facts:

The Granite State Future initiative is the **New Hampshire version** of an umbrella program directly connected to the **Sustainable Communities Initiative** (SCI). The SCI is a Federal top-down program combining input from HUD, EPA, and the DOT.



## How is the Granite State Future structured?

Visit the [Collaboration](#) page at Granite State Future website and you'll see a giant list of partners. They say:

"Each [Regional Planning Commission](#) will develop its regional plan, working with a wide range of municipal officials, staff, volunteers, regional organizations and active citizen leaders as *A Granite State Future* moves forward.

Technical support and assistance is being provided to all nine RPCs by these state agencies, non-profit organizations, and academic institutions, including, but not limited to:

- American Institute of Architects: New Hampshire Chapter
- Clean Air-Cool Planet
- Community Development Finance Authority
- Conservation Law Foundation
- Easter Seals NH
- Engaging NH
- Family Assistance Advisory Council of NH
- Grafton County Economic Development Council
- Healthy Eating Active Living
- Housing Action NH
- NH Association of Homebuilders and Remodelers
- NH Charitable Foundation
- NH Community Loan Fund
- NH Department of Agriculture, Markets and Food
- NH Department of Cultural Resources
- NH Department of Education
- NH Department of Employment Security
- NH Department of Environmental Services
- NH Department of Health and Human Services
- NH Department of Resources & Economic Development
- NH Department of Safety
- NH Department of Transportation
- NH Energy and Climate Collaborative
- NH Fish and Game Department
- NH Food Bank, A Program of NH Catholic Charities
- NH Geologic Survey
- NH Housing Finance Authority
- NH Lakes Association
- NH Listens
- NH Municipal Association
- NH Office of Energy & Planning
- NH Society of Professional Engineers
- NH Transit Association
- NH Water Works Association
- Norton Asset Management
- PlanNH
- Society for the Protection of NH Forests
- The Nature Conservancy
- UNH Carbon Solutions, Sustainability Academy
- UNH Carsey Institute
- UNH Complex Systems Research Center
- UNH Cooperative Extension
- University of New Hampshire
- US Forest Service

## The Real Facts:

The foundation of Granite State Future is the consortium of the nine New Hampshire Regional Planning Commissions. The Nashua Regional Planning Commission (NRPC) is the lead commission and issues orders and directives to the other eight commissions.

The NRPC signed a legally binding agreement with the Federal Department of Housing and Development (HUD) on February 21, 2012 that put Granite State Future in motion.

Special interest groups, called "stakeholders", have direct input into state policy. It's imperative to note that appointed, **not elected**, officials as well as outside special-interest groups are the primary decision makers in the Granite State Future.

New Hampshire state agencies that are staffed with unelected bureaucrats are at the core of decision making in Granite State Future as well as Pay-to-Play partners.

Study the following organizational chart to get a feel of how complex and intertwined the relationships are. The jagged red outline defines the Granite State Future.

Everyone inside the red outline has direct input into what happens with the planning in New Hampshire. Everyone outside the line is an observer and virtually powerless on the outcome.

Notice how **all elected officials are outside of the red line** and have **absolutely NO DIRECT VOTING POWER** on policies created by the Granite State Future.

## What's the goal of Granite State Future?

Visit the [Objectives and Timeline page](#) of the Granite State Future website, and you'll discover:

### OBJECTIVES AND TIMELINE

The objectives of this project are to:

- Protect New Hampshire's unique beauty and character.
- Identify local assets that are important to the lasting prosperity of our communities, regions and State.
- Capitalize on and incorporate shared values and opportunities included in existing plans and research.

- Plan for public infrastructure investment through an open and transparent process.
- Direct capital investments toward locally identified needs.
- Conserve our natural, social and financial resources.

## The Real Facts:

The goal of Granite State Future is to transfer local planning decisions to the Federal Government.

New Hampshire has nine Regional Planning Commissions. These Planning Commissions have signed an Agreement to cross-integrate each of their organization's policies with the policies that are developed under the program.

Here's the actual text from the Granite State Future Grant Application Narrative:

*"Each of the regional planning commission's will integrate its Regional Plan for Sustainable Development (RPSD) into other federal and state funded initiatives, as well as, integrate the work of these other programs into the RPSD." - Grant Application Narrative (pg 25/27)*

If you open the actual Granite State Future Agreement turning to pages 1-12, you'll discover this:

*"Whereas, statewide partner agencies and organizations commit to participating in this cooperative effort by actively engaging in the statewide advisory committees and integrate recent findings and recommendations between their ongoing programs with those of A Granite State Future."*

## Our Regional or Local Planning Commission Representatives said that all of the involvement is just "Advisory Only". Is that true?

You've either heard or will hear from a Regional Planning Commission member that the role of the Federal Government is just advisory, and that there's no harm in participating in the Granite State Future.

Visit the Granite State Future website [History and Principles](#) page and you clearly see:

"The plans created by each regional planning commission are advisory only, ensuring that local land use decisions remain local."

## The Real Facts:

If the Granite State Future program is implemented, there are **mandatory Federal outcomes** that must be implemented by each town that signs on to the agreement.

The nine New Hampshire Regional Planning Commissions are the motive force behind the Granite State Future. Because they are not telling the truth about the real role of HUD in the implementation of Granite State Future, this should cause the average Selectman, Town Planner, Town Planning Board Member deep concern.

What else are the Regional Planning Commissions misrepresenting? What other facts about Granite State Future are they not telling both the people and elected officials?

These mandatory outcomes are clearly outlined in the foundational Grant Instrument, and all connected documents that are part and parcel to the **legally binding grant instrument (HUD-1044)** signed by the Nashua Regional Planning Commission, the lead Planning Commission.

That HUD document was signed by Ms. Kerrie Diers, the Executive Director of the Nashua Regional Planning Commission, on February 1, 2012.

The following is a copy of part of the first page of the HUD-1044 document that clearly states the agreement is **not advisory**:

The text under the table of numbers on the HUD-1044 Grant Instrument says:

"This instrument (the HUD-1044, HUD-1044 Continuation Sheet) sets forth a **legally binding agreement between the parties** as to the amounts, deliverables, tasks, period of performance, terms and conditions, here within, whether implicitly stated or referenced. The Recipient certifies that all administrative and financial provisions of this instrument are in and will continue to be in compliance for the duration of the period of performance. All covenants referenced or stated, are agreed to by the recipient upon signing this instrument."

The definition of "advisory" is:

"having or consisting in the power to make recommendations but **not to take action enforcing them**"

Signing a legally binding agreement means you're bound by whatever the document - and all of the sub-documents that are part of the agreement - say you must do.

**The Granite State Future initiative is NOT ADVISORY.**

There are MANDATORY OUTCOMES and EXPECTATIONS clearly outlined in the HUD documents that you **must deliver**. Your town will be required to meet and conform to new regulations as mandated by HUD.

*"The EC will seek endorsement of the plan by the NH Council on Resources and Development, predominantly comprised of NH SCI state agency partners, which will help to ensure that state agencies institutionalize the plan and that sources of funding align with the plan." - GSF Detailed Scope of Work document (pg 16/16)*

## More Facts:

The legally binding contract between HUD and the towns that sign onto the Granite State Future says:

"HUD's Office of Sustainable Housing and Communities **will work in partnership** with its grantees to advance the program objectives of the grant program. The Cooperative Agreement **allows for substantial involvement of HUD staff** to enhance the performance of the grantee in the completion of their deliverables."

It further goes on to say:

"Anticipated substantial involvement by HUD staff may include, but **will not be limited to:** ....."

In other words, the contract that your town would sign is completely open ended. You have NO IDEA as to how much HUD will be involved. The below image is a copy of the actual page with the above language:

### HUD CONTINUATION SHEET

Instrument No: NHRIP0062-11

#### 4. SUBSTANTIAL INVOLVEMENT

HUD's Office of Sustainable Housing and Communities will work in partnership with its grantees to advance the program objectives of the grant program. The Cooperative Agreement allows for substantial involvement of HUD staff to enhance the performance of the grantee in the completion of their deliverables.

Anticipated substantial involvement by HUD staff may include, but will not be limited to:

##### Studies and Reports

- Review potential amendment recommendations to the study design and/or Workplan.
- Review and provide recommendations in response to semi-annual progress reports (e.g., amendments to study design based on preliminary results).
- Review and provide recommendations on the final report/study, including final interpretation of study results.

##### Approvals and Reviews

- Authority to halt activity if specifications or work statements are not met;
- Review and approval of one stage of work before another can begin;
- Review and approval of substantive provisions of proposed sub-grants or contracts beyond existing Federal policy;
- Approval of workplan adjustments based on changing conditions and needs documented in the cohort targeted for capacity building.

Review and approval of key personnel

##### Participation and Monitoring

- Monitoring to permit specified kinds of direction or redirection of the work because of interrelationships with other projects;
- HUD and recipient collaboration or joint participation;
- Implementing HUD requirements which limit recipient discretion;
- Coordination of complementary activities from respective capacity building intermediaries, including determining if workplans require adjustments based on changing conditions;
- Where appropriate substantial, direct HUD operational involvement or participation during the assisted activity.

## What are some examples of the "mandatory outcomes" that are part of the Granite State Future?

## The Real Facts:

The foundation Grant Instrument HUD-1044 signed by the Nashua Regional Planning Commission is the master document for the Granite State Future, but it references many other HUD documents that are a part of the legally binding agreement.

One of these documents is The Notice of Funding Availability (FR-5500-N-33).

Here are **a few** of the "mandatory outcomes" HUD wants to see in all the New Hampshire towns that sign on to the Granite State Future:

- Aligned federal planning and investment resources that mirror the local and regional strategies for achieving sustainable communities.
- Increased participation and decision-making in developing and implementing a long range vision for the region by populations traditionally marginalized in public planning processes.
- Reduced social and economic disparities for the low-income, minority communities, and other disadvantaged populations within the target region.
- Decrease in per capita Vehicle Miles Traveled and transportation-related emissions for the region.
- Decrease in overall combined housing and transportation costs per household.
- Increased proportion of low and very low-income households within a 30-minute transit commute of major employment centers.
- Transformation of isolated, opportunity-poor, highly segregated areas into diverse neighborhoods that are open and accessible to good jobs, good schools and good environments.
- Increased use of compact development as a tool for regional planning.

## What's the Regional Advisory Committee?

Revisit the Granite State Future website and on the [Our Plans](#) page they hint at this powerful committee:

"Over the following months, the RPC's will lead their communities in looking at the big picture to integrate housing, transportation, water, natural resources, economic development, cultural and historic resources, public health, climate adaptation, and energy efficiency. Through scenario planning, communities will think through desired future development patterns, and identify and prioritize place-based implementation projects that support social connections and cultural values."

## The Real Facts:

Once again you have to dig deep into the documents that are referenced in the master HUD-1044 document.

You'll quickly discover the **Granite State Future Agreement**. In it is says:

"Each Regional Planning Commission will establish a **Regional Advisory Committee** that meets their region's unique needs. Duties will include: conduct and facilitate the Regional Plan and outreach processes, review local information, recommend adoption of the plans to the Regional Planning Commission, prioritize implementation, participate in consensus plan process, and track progress."

It further states:

"The Regional Advisory Committees **will include representation from municipal partners and various policy and program experts** within the region. Each Regional Planning Commission will establish a **Regional Equity Team** that is **comprised of representatives of underserved and marginalized populations** in their region that will ***ensure the voices of these populations are reflected in the Regional Plan.***"

The document defines "underserved populations":

"The term underserved populations means groups of individuals who fall within one or more of the categories protected under the Fair Housing Act and who are:

- a. of an immigrant population (especially racial and ethnic minorities who are non-English speaking or have limited English proficiency);
- b. in rural populations;
- c. homeless;
- d. persons with disabilities (e.g. physical or mental) who can be historically documented to have been subject to discriminatory practices not having been the focus of federal, state, or local fair housing enforcement efforts;
- e. persons in areas that are heavily populated with minorities where there is inadequate protection or ability to provide service from the state or local government or private fair housing organizations, or
- f. populations that have faced generational economic disadvantage, job dislocation, or other forces that prevent them from achieving individual and family self-sufficiency.

**Who are the municipal partners?**

**Who are the program experts?**

**Do you know what the underserved population wants and what HUD will require your town to do to satisfy them?**

## Are there anticipated barriers to the implementation of the Granite State Future?

Go back to the [About Page](#) at the Granite State Future website and you'll read this:

"The regional Master Plans will be based upon grassroots local values and needs that together present a vision for how we can keep what we value while increasing prosperity and economic opportunity."

That's fairly ambiguous on its face, but if you focus on "grassroots local values" it gives a clue.

## The Real Facts:

The New Hampshire Sustainable Communities Initiative Project Summary is part of the Granite State Future.

On the first page is the Abstract that clearly ties this document to the original HUD-1044 document signed by Kerrie Diers, the Executive Director of the Nashua Regional Planning Commission.

Part of this Summary is the Rating Factor Narrative. On page 15 of this sub-document of the HUD-1044, you'll discover:

### Strategy to Address Barriers and Incorporate Existing Plans

Identifying and Overcoming Barriers - One of the steps in the visioning and planning process to be used by each region will be to identify existing and potential barriers to ensuring sustainable communities and to articulate the strategies the regions will use to mitigate or overcome each barrier.

**Anticipated barriers include NH's strong tradition of individual property rights** and resultant resistance to planning and zoning;

It further states in the following paragraph:

"During the planning process the Regional Advisory Committee will identify any additional common barriers and strategies and bring these to the Sustainability Policy Committee. The Policy Committee (whose members include decision makers from the DOT, DES, OEP, etc.) will work together to identify potential statewide strategies for reducing and / or eliminating the barriers."

There is absolutely no uncertainty in those above statements.

**Translated: Private property rights are under attack by Granite State Future.**

## How will the Granite State Future actually be accomplished?

If you go back to the **About Page** at the Granite State Future website, they say:

"The staff of New Hampshire's nine regional planning commissions (RPCs) will be working with a range of community and business leaders, state agencies, counties and municipalities, and non-profits and citizen groups to develop a productive public dialogue within each region. Supported by New Hampshire-based resources and technical support, *A Granite State Future* is designed to be a product of the people of New Hampshire in recognition that better public decisions are made when everyone affected participates in the process."

## The Real Facts:

Each town or municipality must sign a contract with their Regional Planning Commission if they want to be part of the Granite State Future.

This is an eleven-page document and on page one it clearly says:

"*Whereas*, Nashua Regional Planning Commission (NRPC) is the lead point of contact with HUD on behalf of the program and **will assume administrative responsibility to ensure that the program is carried out in compliance with HUD requirements** and hold fiscal responsibility for the program."

## What happens if a town or municipality fails to satisfy HUD?

### The Real Facts:

All you have to do is refer once again to the sub-documents that are referenced in the HUD-1044.

You'll then discover the HUD OSHC Terms and Conditions for FY 2011 NOFA.

In that document on page 13 you'll read:

**"Where HUD determines that corrective or remedial actions by the recipient have not been undertaken as instructed, or will not be effective to correct the default and to prevent further default, *HUD may take the following additional corrective and remedial actions under this award agreement:***

1. Reduce the award in the amount affected by the default.
2. Take action against the recipient under 24 CFR Part 24 and Executive Order 12549 with respect to future HUD or Federal grant awards.
3. **Demand repayment of all award amounts.**
4. **Initiate litigation or other legal proceedings** designed to require compliance with the statute, regulations, any terms or conditions of this award agreement, or other pertinent authorities.
5. Temporarily withhold cash payments pending correction of the deficiency by the grantee or subgrantee.
6. Withhold further payments.
7. **Take any other remedial action legally available."**

**Is your town financially prepared for the legal assault from HUD?**

## Has HUD really ever taken legal action against a town or municipality?

### The Real Facts:

HUD and Westchester County in New York have tangled in a horrible legal mess.

All one has to do is read the following articles that contain countless facts about how HUD will go to any length it can to implement its wishes.

[http://southernnh912.com/sites/default/files/Astorino\\_OpEd\\_HUD\\_HL.pdf](http://southernnh912.com/sites/default/files/Astorino_OpEd_HUD_HL.pdf)

[http://southernnh912.com/sites/default/files/2\\_FY2011%20Terms%20and%20Conditions.pdf](http://southernnh912.com/sites/default/files/2_FY2011%20Terms%20and%20Conditions.pdf)

[http://southernnh912.com/sites/default/files/HousingSettlement2009\\_HL.pdf](http://southernnh912.com/sites/default/files/HousingSettlement2009_HL.pdf)

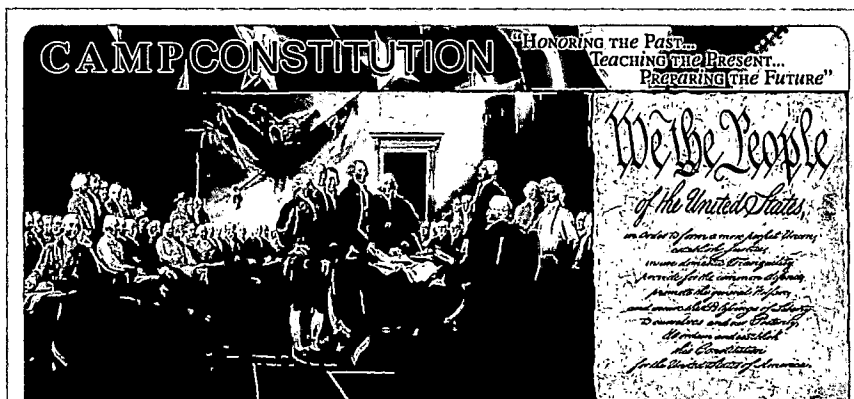
### Acknowledgments:

I wish to thank Kathy Carter for her help assembling points and facts and the tireless efforts of Ken Eyring for providing many, if not all, of the Real Facts in this presentation.

### Contact Information:

If you want more detailed information about Granite State Future, contact me:

Tim Carter - resident of Meredith, NH  
[tim@w3atb.com](mailto:tim@w3atb.com)  
603-722-0908



Camp Constitution is an unincorporated association of Constitutionlists serving as volunteers to see that knowledge and blessings of liberty are passed on from generation to generation. Camp Constitution runs a week-long family summer camp program that is true to its motto "Honoring the Past...Teaching the Present...Preparing the Future..." The camp program includes classes on the U.S. Constitution, current events, and how to be a freedom activist.

Our instructors include authors, elected officials and experts in their fields. Camp attendees participate in field trips to historic sites like Lexington Battle Green and Concord Bridge and recreation activities which include swimming, hiking, volleyball, basketball, and rock climbing.

In addition to the summer camp program, Camp Constitution will be reprinting pamphlets and essays like "Republics and Democracies. The camp has channels on YouTube, Vimeo, Daily Motion and Metacafe that contain videos of classes, interviews, and other videos of importance. Please visit our web site [campconstitution.net](http://campconstitution.net)

Camp Constitution recommends visiting the camp book store [AmericanistBookStore.com](http://AmericanistBookStore.com) for many of the books we use at camp or written by our instructors.

**Mr. William K. McNally**  
 7 Blueberry Rd.  
 Windham, NH 03087-1143

# Your Hometown & the United Nations' AGENDA



Businesses — and their jobs — are fleeing California at breakneck speed because of costly, even abusive, regulations meant to adhere to UN standards. Is your state next?

by William F. Jasper

In March 2010, Nor-Cal Produce, a family-owned produce business in West Sacramento, was fined \$32,500 by the California Air Resources Board (ARB, or CARB). The company was not charged with, or even accused of, illegal emissions; like many other businesses, it had merely failed to notice a new regulation posted by CARB requiring all semi-trailers, shipping containers, vans, and rail

cars with diesel-powered refrigerators to file a report with the agency. "We had no knowledge of the law," Nor-Cal's Chief Financial Officer Todd Achando told CalWatchDog, a news blog that monitors California government. "My operations manager happened to see it mentioned in a trade magazine about a year and a half after the deadline passed." Because Nor-Cal reported itself to CARB and "cooperated," the agency reduced the \$200/day fine from \$86,600 to \$32,500.

Kit Enger and his fellow dune buggy manufacturers also cooperated with CARB, but found it was like dealing with a mob "protection racket." Enger, president of the Compliant Car Builders Association in Oceanside, California, said association members attended the agency's "implementation outreach workshop" for OHRV (off-highway recreational vehicles) and worked "diligently with CARB certification staff to devise a program whereby all industry members could efficiently and ef-



**Terminating California:** California Gov. Arnold Schwarzenegger signs the Global Warming Solutions Act of 2006, imposing the nation's first cap on greenhouse gas emissions.

fectively certify their vehicles and engines." Despite the increased costs and inconvenience of complying with CARB's new regulations, association members thought things were going pretty well — until January 2008 when CARB hit them with \$3.6 million in penalties for alleged violations. The association's lawyers worked the fine down to \$600,000, but Enger says even that penalty was unconstitutional, amounting to an ex post facto prosecution for engines modified and sold before the new CARB regulations went into effect.

"My lawyers said it would cost more than \$600,000 to fight it, so we might as well pay it. It's like a protection racket — government out of control," said Enger. When he testified before CARB in November 2009, Enger told the board that one of their CARB enforcement officers had told him on two occasions, "If you guys don't get on with this settlement, it doesn't matter to us if you go out of business, change your name, move to another state, or die, we will find you and attach your assets."

Thousands of businesses have already fled the "protection racket" of government in what was once known as the Golden State; thousands more are following, taking with them hundreds of thousands of jobs. The state's tax and regulatory policies have driven the cost of energy, as well

as every other business expense, sky high. Yet, despite facing \$25 billion in debt, a huge current budget deficit, and default on its bonds (not to mention sky-high unemployment, over 12 percent), the state's politicians and bureaucrats continue to chase the productive tax base — and jobs — out of California. Joseph Vranich of Irvine, California, known as "The Business Relocation Coach," keeps a running tab on companies leaving the state. His December 6, 2010 blog carries this headline: "New Record for Calif. Companies Departing or Shifting Work Out: 193 — Nearly Four Times Last Year's Level."

The jobs that are leaving or shutting down are not only the manufacturing and resource jobs in companies that greenies love to denigrate as "old, has-been" industries; they include many of the highly touted "green" companies that are now seeking greener pastures elsewhere. One of them is Solyndra, the solar panel maker from Fremont, which announced layoffs of 170 workers in December. Only a few months earlier Solyndra had hosted a much publicized press conference with President Barack Obama and Governor Arnold Schwarzenegger, both of whom lauded the company as an exemplar of the "green economy" that would provide many thousands of new "green jobs." Solyndra received a

\$535 million loan from the Department of Energy to build a new state-of-the-art, robotics-run factory, which it calls Fab 2. In November 2010, Solyndra announced it was mothballing Fab 1 and postponing earlier plans to expand Fab 2, citing weak sales and the weak economy.

Other California "green-tech" firms have closed or are shifting much of their operations out of the state. For example:

- Barefoot Motors, maker of electric ATVs, moved to Oregon.
- Mariah Power, a manufacturer of small wind turbines, moved to Nevada and Michigan.
- Sonatype, Inc., which services many high-tech companies, moved to Maryland.
- Adobe Systems, Inc., the software giant, is building its huge new campus in Utah.

Other companies that have jumped ship from California include Fidelity National Financial (moved operations to Florida); CalPortland Cement (closed its Riverside County plant); Buck Knives (moved to Idaho); Multi-Fineline Electronix, Inc. (moved to China); and Thomas Brothers Maps (moved to Illinois and India).

These are only a fraction of the "primary companies" that have made the news; thousands of secondary companies — restaurants, service outlets, retail stores, construction companies, trucking companies, farms, ranches, mom-and-pop businesses — have vanished with no media notice.

And the picture will only get uglier for California, as the state government pushes forward with implementing Assembly Bill 32, or AB 32, formally known as the Global Warming Solutions Act of 2006. According to a 2009 study by Dr. Sanjay B. Varshney, dean of the College of Business Administration at California State University, Sacramento (CSUS), and Dr. Dennis H. Tootelian, professor of marketing and director of the Center for Small Business at CSUS, the impact of the bill's cap-and-trade and regulatory features could be horrendous. They found:

On average, the annual costs resulting from the implementation of AB 32 to small businesses are likely to result in loss of more than \$182.6 billion in gross state output, the equivalent of more than 1.1 million jobs, nearly \$76.8 billion in labor income, and

**Spendy “green jobs”:** President Obama and Gov. Schwarzenegger at a promo at the Solyndra, Inc. solar panel plant, which received \$535 million in federal funding — and is now laying off workers.

nearly \$5.8 billion in indirect business taxes.... Accordingly, the total cost of AB 32 is \$49,691 per small business in California.

As would be expected, the Varshney/Tootelian study has drawn heated criticism, especially from academics, activists, and politicians still ardently supporting the discredited alarmist “consensus” regarding anthropogenic (human-caused) global warming. The critics have produced studies claiming to show that any economic and/or job losses due to AB 32 will be negligible; some even predict positive growth as a result. Of course, many of these critics are the same ones who predicted the massive new “green jobs” that never materialized. Whether or not the Varshney/Tootelian study may have been “defective” in methodology, its predictions appear to be more firmly grounded in reality than those of its critics. The exodus of capital, technology, talent, and jobs from California has been accelerating, and as the CARB “racketeers” begin enforcing the draconian measures provided under AB 32, it will almost certainly pick up more speed.

California’s losses will mean more gains for Nevada, Arizona, Texas, and many other states — but perhaps only temporarily. Many of the states and communities that California companies are fleeing to are headed in the same direction as California. If they do not change course, they soon will see the same economic forces driving the erstwhile California refugee businesses on to Mexico, India, China, and the other usual destinations.

### **ICLEI, the Hidden UN Component**

There is a hidden component to the saga of California’s ongoing woes that is gradually coming to light, hopefully in time to enable other states to avert the same calamity. That hidden component is becoming more visible as we near 2012, which the United Nations will celebrate as the 20th anniversary of the 1992 Earth Summit. Known officially as the United Nations



Conference on Environment and Development (UNCED), the eco-confab in Rio de Janeiro, Brazil, was unprecedented in size and scope, bringing together some 35,000 government officials, diplomats, NGO activists, and journalists. Rio became the launch pad for a number of huge initiatives that have been gradually gaining force and wreaking havoc on the planet in the intervening decades. The five main documents to come out of the UNCED process are:

- The Rio Declaration on Environment and Development
- The Statement of Forest Principles
- The United Nations Framework Convention on Climate Change
- The United Nations Convention on Biological Diversity
- Agenda 21

The Climate Change and Biological Diversity conventions were posited as “hard law” treaties that impose binding obligations upon the ratifying parties; the other three are referred to as “soft law” documents, instruments that commit the parties to a path of pursuing later “hard law” commitments. President George H.W. Bush signed the Climate Change Convention in 1992 and the U.S. Senate ratified it the same year. However, the 1997 Kyoto Protocol, which was negotiated to implement specific greenhouse gas reductions under the convention, has

not been signed or ratified by the United States Senate. Although President Obama declared his commitment to securing a new binding Climate Convention, the November 2010 elections have pretty much sunk chances for any Kyoto replacement passing in the Senate.

Realizing the difficulty in getting some national governments — and especially the United States — to go along with a climate-change treaty that would require massive government intrusion into and regulation of all aspects of energy production and consumption, the UNCED leaders launched simultaneous efforts to build political support for ratification by also initiating efforts aimed at winning enactment of global-warming legislation at the state and local levels. One of the primary instruments that has been used by the UN and globalist advocates to advance their plans is an NGO known as ICLEI — Local Governments for Sustainability.

**Despite the increased costs and inconvenience of complying with California Air Resources Board’s new regulations, association members thought things were going pretty well — until January 2008 when CARB hit them with \$3.6 million in penalties.**

"ICLEI was founded in 1990," its website states, "as the 'International Council for Local Environmental Initiatives,'" and the organization "is an association of over 1200 local government Members who are committed to sustainable development. Our Members come from 70 different countries and represent more than 569,885,000 people."

ICLEI-USA boasts of its members: "Their populations range in size from 832 people in Cimarron, New Mexico, to more than 8 million in New York City." And they "consistently top the rankings of the Greenest Cities," it adds. "They have led the effort in recent years to envision, accelerate and achieve strong climate protection goals, creating cleaner, healthier, more economically viable communities."

More than 130 of those ICLEI members are California counties and cities that have led the efforts that now have California mimicking the economic "viability" of Greece and Spain, both of which, by the way, are longtime model supporters and members of ICLEI. Spain, which has been one of the biggest promoters of "green jobs," has learned the folly of its ways the hard way: It killed more than two existing jobs for every green job created. To make matters worse, many of the green jobs proved to be temporary, vanishing after the subsidized solar panels and wind turbines were constructed. Trodding the same path are California's ICLEI cities, among which are virtually all the major metro areas — Los Angeles, Sacramento, San Diego, San Francisco — as well as smaller cities from Alameda to Yountville.

ICLEI's website informs us:

The Council was established when more than 200 local governments

**Solyndra, the solar panel maker from Fremont, announced layoffs of 170 workers in December. Only a few months earlier Solyndra had hosted a much publicized press conference with President Barack Obama and Governor Arnold Schwarzenegger.**



**Earth Summit agenda:** United Nations Secretary-General Boutros Boutros-Ghali and conference organizers are shown during opening ceremonies of the 1992 Earth Summit in Rio de Janeiro, Brazil.

from 43 countries convened at our inaugural conference, the World Congress of Local Governments for a Sustainable Future, at the United Nations in New York.

It notes that in 2003 it changed its name to "ICLEI — Local Governments for Sustainability," no doubt to place more emphasis on the "local" and to diminish concerns about its "international" influence and its political and financial ties to the United Nations. As we will show, ICLEI and other UN-affiliated NGOs and government officials have come under increasing suspicion in recent years from more and more American citizens, and have taken to camouflaging their UN-driven environmental agendas, even to the point of denying obvious and easily documented connections.

On its web page entitled "ICLEI: Connecting Leaders," ICLEI explains some of its networking strategies. They include:

Connect cities and local governments to the United Nations and other international bodies. ICLEI represents local governments at the United Nations (UN) Commission on Sustainable Development, the UN Framework Convention on Climate Change, and

the Conventions on Biodiversity and Combating Desertification and cooperates with the UN Environment Programme and UN-HABITAT.

That seems pretty clear: ICLEI's mission is to "connect" local government to the UN and its affiliates. It goes on:

Mobilize local governments to help their countries implement multilateral environmental agreements such as the Rio conventions through Cities for Climate Protection, Local Action for Biodiversity and other initiatives.

Again, fairly straightforward: Get the locals to lobby and pressure the national government to hop on board the global programs that will transfer more money, authority, and power to the UN. ICLEI continues:

Forge multi-stakeholder partnerships such as Resilient Cities, a global framework on urban resilience and climate adaptation where local governments, international agencies, development banks, ministries, institutes, and others, collaborate.

Translation: bribe, entice, seduce, flatter local officials, NGOs, and corporations to join the green lobby.

## Agenda 21's Stealth Agenda

The ICLEI web page also states that its Local Agenda 21 Model Communities Programme is "designed to aid local governments in implementing Chapter 28 of Agenda 21, the global action plan for sustainable development." Although the Climate Change Convention has dominated the media headlines and political landscape for many years, Agenda 21 is even more far-reaching and dangerous. As we approach the 2012 Earth Summit, to be convened once again in Rio, this massive environmental, economic, and social "master plan" for the entire planet is being promoted with new intensity.

However, as we have already mentioned, some of the leading proponents of empowering the UN in the name of protecting the global environment counsel their fellow activists to hide their true intentions. That's exactly what J. Gary Lawrence, an advisor to President Clinton's Council on Sustainable Development and to US AID, advised in a seminar in London, England, entitled, "The Future of Local Agenda 21 in the New Millennium," sponsored by the United Nations Environment and Development Forum, UK (UNED-UK). After complimenting his British audience for their success in getting the UK to adopt much of the UN's Earth Summit program, Lawrence lamented, "Other places have been much slower to adopt LA21 [Local Agenda 21]."

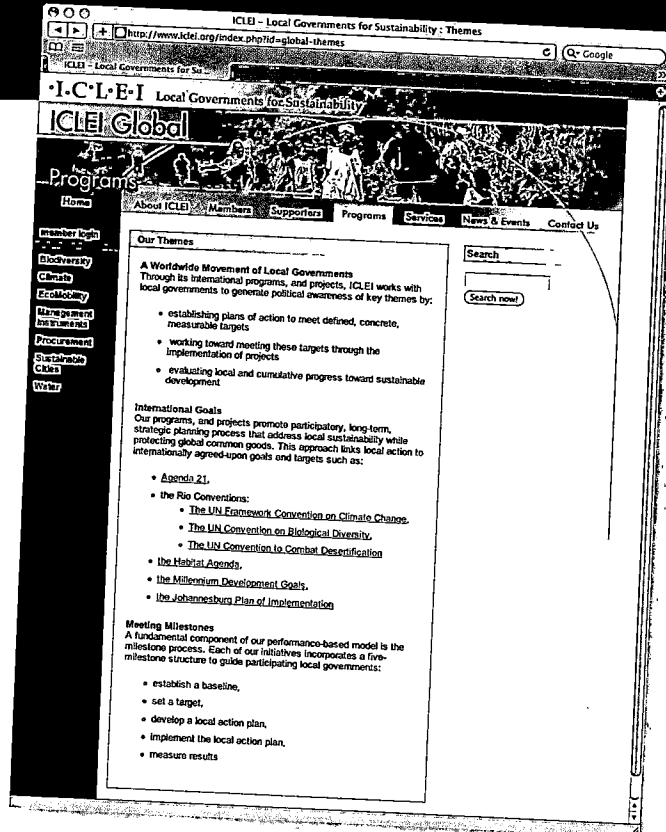
"In some cases," he noted, "LA21 is seen as an attack on the power of the nation-state." Which, of course, it most definitely is, as we will show. The former Clinton advisor continued:

Participating in a UN advocated planning process would very likely bring out many of the conspiracy-fixated groups and individuals in our society such as the National Rifle Association, citizen militias and some members of Congress. This

segment of our society who fear "one-world government" and a UN invasion of the United States through which our individual freedom would be stripped away would actively work to defeat any elected official who joined "the conspiracy" by undertaking LA21. So, we call our processes something else, such as comprehensive planning, growth management or smart growth.

Yes, over the past two decades much of Agenda 21 and the rest of the Earth Summit program have been enacted piecemeal at the state and local levels, but as "Smart Growth Initiatives," "Resilient Cities," "Regional Visioning Projects," "STAR Sustainable Communities," "Green Jobs," and "Green Building Codes." After going through charades labeled as "local visioning," "community in-put," and "consensus building," one community after another has found that it has enacted a "local" program that is virtually indistinguishable from every other "local" program, whether across the country or across the planet. The more important point, though, is that these initiatives that have been enacted ostensibly to save the environment, invariably destroy economic vitality, erode property rights, undermine liberty and constitutional government, impose soviet-style rule through "stakeholder councils," subvert local control — and usually devastate the natural environment to boot.

But desperate measures are necessary to "save Mother Earth," and only a comprehensive, global plan will do, argue



**Think globally, act locally:** ICLEI organizes local forces to carry out the UN's global agenda.

the alarmists. The UN's Agenda 21 is definitely comprehensive and global — breathtakingly so. Agenda 21 proposes a global regime that will monitor, oversee, and strictly regulate our planet's oceans, lakes, streams, rivers, aquifers, sea beds, coastlands, wetlands, forests, jungles, grasslands, farmland, deserts, tundra, and mountains. It even has a whole section on regulating and "protecting" the atmosphere. It proposes plans for cities, towns, suburbs, villages, and rural areas. It envisions a global scheme for healthcare, education, nutrition, agriculture, labor, production, and consumption — in short, everything; there is nothing on, in, over, or under the Earth that doesn't fall within the purview of some part of Agenda 21. Copies of the 1,100-page document were hard to come by for several years after its debut at Rio, but I was able to bring back a "media copy" of the five-pound "treasure" from the summit. It is now available online at <http://www.un.org/esa/dsd/agenda21/>.

The most accessible version of Agenda 21 to come out following the Rio summit was published under the title *AGENDA 21: The Earth Summit Strategy to Save Our Planet* (Earthpress, 1993). Edited by environmental-activist attorney Daniel Sitarz and enthusiastically endorsed by Earth Summit chief Maurice Strong and then-

## Is Your County/City Government a Member of ICLEI?

Has your city, town, or county joined ICLEI — Local Governments for Sustainability? If so, your local tax dollars are being used against you to push for UN-sponsored programs masquerading as local initiatives.

Find out here: <http://www.icleiusa.org/about-iclei/members/member-list> ■



**Failed poster child:** Spanish Prime Minister José Luis Rodríguez Zapatero speaks on "Green Growth" at the Seoul G20 meeting in 2010. Spain's massive wind and solar subsidies have driven up electricity rates and helped push the country toward bankruptcy.

U.S. Sen. Paul Simon (D-III.), the book is instructive for demonstrating the completely alien mindset that holds sway in so many influential political, academic, and media circles. Sitarz's edition provides a powerful, albeit unintended, indictment of the UN agreement by offering this candid appraisal of the plan's totalitarian ambition. Incredibly, Sitarz admits with apparent approval that:

AGENDA 21 proposes an array of actions which are intended to be implemented by every person on Earth.... It calls for specific changes in the activities of all people....

Effective execution of AGENDA 21 will require a profound reorientation of all human society, unlike anything the world has ever experienced — a major shift in the priorities of both governments and individuals and an unprecedented redeployment of human and financial resources. This shift will demand that a concern for the environmental consequences of every human action be integrated into individual and collective decision-making at every level.

The admission is so staggering as to require recapitulation: "profound reorientation," "all human society," "every person on Earth," "every human action," "every level," "demand," "require." In short, it is an undisguised call for the total regimentation of all life on the planet.

Nevertheless, editor Sitarz continued his praise for the wondrous text, noting:

There are specific actions which are intended to be undertaken by multinational corporations and entrepreneurs, by financial institutions and individual investors, by high-tech companies and indigenous people, by workers and labor unions, by farmers and consumers, by students and schools, by governments and legislators, by scientists, by women, by children — in short, by every person on Earth.

The tyrannical implications are so stunningly transparent that it seems impossible that any nation not overtly communist could endorse it. Yet it was unanimously endorsed by every nation at the summit, including the United States. Not even Stalin, Hitler, or Mao came close to proposing anything this all-intrusive and all-encompassing.

But the hubris goes much further still. One of the most sacred totems in the UN's green theology is "sustainable development." The *Local Agenda 21 Planning Guide*, published in 1996 by ICLEI, the International Development Research Centre (IDRC), and the United Nations Environment Pro-

gramme (UNEP), has been an important manual for teaching ICLEI's "local" acolytes and accomplices the "sustainability" game. It boasts a foreword from former Earth Summit chief Maurice Strong, who currently is president of the council of the UN's University for Peace. The *Guide* asks the rhetorical question: "What is Sustainable Development?" It then provides this revealing answer:

The realities of life on our planet dictate that continued economic development as we know it cannot be sustained.... Sustainable development, therefore, is a program of action for local and global economic reform — a program that has yet to be fully defined.

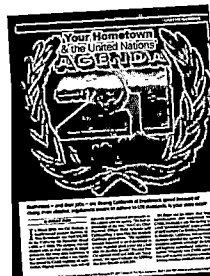
Yes, that is correct; the program that is absolutely *essential* to our very existence "has yet to be fully defined." It goes on:

No one fully understands how, or even if, sustainable development can be achieved; however, there is a growing consensus that it must be accomplished at the local level if it is ever to be achieved on a global basis.

There you have it; even though we don't know what it is, there is a "growing consensus" that it "must be accomplished."

Much has been written in academic terms about the meaning of sustainable development and the need to integrate ecological and economic principles into personal and public decision-making....

However, there is no agreed definition of the concept and perhaps there is no need for one.... Thus, sustainable development is an "emerging concept" in two ways, first, because it is relatively new and



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evolves as we learn to grasp its wide implications for all aspects of our lives, and, second, because its meanings emerge and evolve according to local contexts.

In other words, “sustainable development” is a despot’s dream-come-true: an emerging all-purpose, open-ended, “enabling act” granting global central planners carte blanche to claim it means whatever they want it to mean.

### Think Globally, Act Locally

For the past several decades, environmental activists have embraced the mantra, “Think globally, act locally.” And they have been implementing it with religious fervor — along with bountiful assistance, of course, from the United Nations and a multitude of UN-affiliated institutions, U.S. government agencies, NGOs, and tax-exempt foundations. ICLEI, which has helped initiate UN programs in hundreds of U.S. communities, works closely with UN agencies such as UNESCO, UNEP, WHO, UNFCCC, IPCC, IMF, and the World Bank, as well as the U.S. State Department, Department of Energy, EPA, U.S. Agency for International Development, the Sierra Club, Environmental Defense Fund, World Wildlife Fund, World Economic Forum, Club of Rome, Rockefeller Foundation, the European Union, and other similar entities. It also receives millions of dollars of funding from many of these same entities, thus enabling it to organize formidable “local” coalitions that often can overwhelm genuine local grass-roots opposition to UN-spawned programs.

However, the correlation of forces in this ongoing struggle may be turning in favor of freedom — though not a moment too soon. When this reporter returned from the Rio Earth Summit in 1992 and began a national tour with my book *Global Tyranny, Step by Step... The United Nations and the Emerging New World Order*, far too few people were ready for the message. Even sympathetic radio talk-show hosts found it difficult to believe that the UN’s treaties on climate change and biodiversity, or Agenda 21, could be as serious a threat to America’s sovereignty, prosperity, and freedom as I alleged. Few could appreciate how these documents and programs crafted in some far-off United Nations conference could

ever concretely impact them in their state, town, or neighborhood. That has changed dramatically, as the huge financial costs and oppressive regimentation associated with global-warming legislation, sustainable development programs, and local Agenda 21 projects have skyrocketed.

Tom DeWeese, president of the American Policy Center and a leading expert on Agenda 21 and sustainable development, says there “is definitely a major awakening underway.” “These UN stealth programs got by unnoticed and unopposed for many years, but no longer,” he told *THE NEW AMERICAN*. “Patriots in communities all across the country are getting wise to the UN programs and are fighting back. Many of the Tea Party activists have awakened to these issues. Our phones have been literally ringing off the hooks with requests for information and speakers to help in local battles against Agenda 21 and sustainable development. 2011 is going to be a very critical year, and I’m encouraged; our side is going to make some major advances on these battlefronts.”

“The growing awareness of the dangers posed by UN programs such as Agenda 21,

**The admission is so staggering as to require recapitulation: “profound reorientation,” “all human society,” “every person on Earth,” “every human action,” “every level,” “demand,” “require.” In short, it is an undisguised call for the total regimentation of all life on the planet.**

sustainable development, and the global-warming treaties, is, fortunately causing many Americans to look more critically at the United Nations itself,” John F. McManus, president of The John Birch Society, told *THE NEW AMERICAN*. “These are tentacles, but the UN is the octopus controlling the tentacles. And it is our government that is feeding the UN octopus with our tax dollars, which the UN funnels, through a myriad of fronts, into these efforts aimed at destroying our freedoms and empowering the UN as a global government. It’s becoming more obvious each day that The John Birch Society’s half-century campaign to ‘Get US out of the United Nations — and Get the UN out of the US’ — is right on the mark. This should be a major effort of the new 112th Congress.” ■

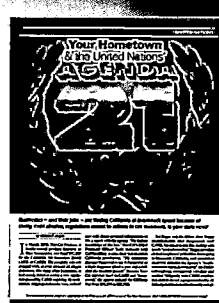
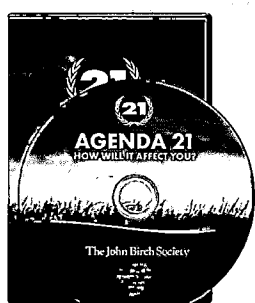


**Earth “saviors”:** Maurice Strong (left), chairman of the Earth Council, talks with former Soviet leader Mikhail Gorbachev at the Rio-Plus-Five summit in Rio de Janeiro in 1997. Gorbachev presented a draft of his proposed Earth Charter.



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# FEATURED PRODUCTS



## U.N. Me

In a film that exposes the incompetence and corruption at the heart of the United Nations, filmmaker Ami Horowitz takes us on a harrowing, yet often hilarious, trip through the farcical world of the United Nations. (2012, 33min, cased DVD, \$14.95) DVDUNM

## The Great Global Warming Swindle

A documentary by Martin Durkin, a London-based producer and director, *The Great Global Warming Swindle* is a devastatingly authoritative account of how the hysteria over global warming has parted company with reality. (2007, 158min, cased DVD, \$19.95) DVDGGWS

## Agenda 21 DVD

Explore Agenda 21 and learn its true objectives for you and your family. The sustainable development movement is much more than you might realize.

Sleeved DVD (2012, 21min, 1/\$1.00; 11-20/\$0.90ea; 21-49/\$0.80ea; 50-99/\$0.75ea; 100-999/\$0.70ea; 1,000+/\$0.64ea) DVDA21

Cased DVD (2012, 21min, 1/\$5.95; 10/\$49.50; 25/\$98.75; 100/\$225.00) DVDA21C

## Your Hometown

### & the United Nations' Agenda 21 — Reprint

This article describes what the United Nations' Agenda 21 is, where it came from, and what it's doing to our personal freedoms and property rights. This eight-page reprint by William F. Jasper about the push to enact the United Nations' "sustainable development" plans throughout our nation and the world originally appeared as the cover story in the February 21, 2011 issue of TNA. (2011, 8pp, 1/\$0.50; 25/\$10.00; 100/\$35.00; 1,000/\$300.00) RPA21

## Agenda 21 and You — Booklet

This 32-page booklet provides an overview of what Agenda 21 entails, looking at its origins, goals, and ramifications. It also explains how this UN agenda is sold to the populace through ICLEI, an association of local governments that believe they're achieving "sustainability." (2011, 32pp, pb booklet, 1/\$2.95; 10-24/\$2.00ea; 25-49/\$1.50ea; 50-99/\$1.00ea; 100-999/\$0.75ea; 1,000+/\$0.50ea) BKLA21

## How Does Agenda 21 Affect You? — Pamphlet

Sustainable development sounds responsible, yet it's anything but responsible. This tri-fold pamphlet offers a general overview of the United Nations' Agenda 21 and tells how it is usurping local control by imposing restrictions on your family and local community. A great tool to initiate a conversation on Agenda 21. (2011, four-color tri-fold pamphlet, 1/\$0.20; 100-499/\$0.15ea; 500-999/\$0.10ea; 1,000+/\$0.08ea) PA21

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# THE FREEDOM INDEX

*A Congressional Scorecard Based on the U.S. Constitution*

*Our second look at the 111th Congress shows how every Representative and Senator voted on key issues, such as (in the House) cap and trade and healthcare "reform"; and (in the Senate) the Sotomayor confirmation.*

## House Vote Descriptions

### 11 Supplemental Appropriations.

This final version (conference report) of the fiscal 2009 supplemental appropriations bill (H.R. 2346) would provide an *additional* \$105.9 billion in so-called emergency funds over and above the regular appropriations for 2009. This outrageous supplemental package would include \$79.9 billion for defense funding (including for the wars in Iraq and Afghanistan), \$10.4 billion for foreign aid programs, \$7.7 billion to address the national flu scare, and \$5 billion for International Monetary Fund activities. This supplemental bill would also include \$1 billion for the Cash for Clunkers program.

A day prior to the House vote, Representative Ron Paul (R-Texas) urged his fellow lawmakers to reject the bill, stating, "I continue to believe that the best way to

support our troops is to bring them home from Iraq and Afghanistan.... Our continued presence in Iraq and Afghanistan does not make us safer at home, but in fact it undermines our national security."

The House adopted H.R. 2346 on June 16, 2009 by a vote of 226-202 (Roll Call 348). We have assigned pluses to the

"nays" because the spending is over and above what the federal government had already budgeted, the United States never declared war against Iraq and Afghanistan, and some of the spending (e.g., Cash for Clunkers and foreign aid) is unconstitutional. The Senate passed this legislation two days later. (See Senate vote #11.)



**Big spender:** President Obama signs the fiscal 2009 supplemental appropriations bill, which provides an *additional* \$105.9 billion for "emergency" funds over and above the regular appropriations for the current fiscal year. (See House vote #11 and Senate vote #11.)

AP Images

## ABOUT THIS INDEX

**T**he Freedom Index: A Congressional Scorecard Based on the U.S. Constitution" rates Congressmen based on their adherence to constitutional principles of limited government, fiscal responsibility, national sovereignty, and a traditional foreign policy of avoiding foreign entanglements. To learn how any Representative or Senator voted on the key measures described herein, look him or her up in the vote charts.

The scores are derived by dividing a Congressman's constitutional votes (pluses) by the total number he cast (pluses and minuses) and multiplying by 100.

The average House score for this index (votes 11-20) is 38 percent. Forty-nine Congressmen earned 100 percent, as compared to three who earned 100-percent scores in the first "Freedom Index" (published in our July 20, 2009 issue) for the current Congress,

and just one perfect scorer — Congressman Ron Paul of Texas — in our final index for the previous Congress (October 27, 2008 issue). Though the huge jump in 100-percent scores is encouraging, it must be kept in mind that many Republicans who are now voting against Obama- and Democrat-supported legislation often voted for big-government programs when they were in the majority and the President was a Republican. The average Senate score for this index is 32 percent. Three Senators scored 100 percent.

We encourage readers to commend legislators for their constitutional votes and to urge improvement where needed. For congressional contact information, go to [www.votervoice.net/groups/jbs/address](http://www.votervoice.net/groups/jbs/address). For a series of pre-written letters to Congress on key issues, go to JBS.org and click on "Legislative Action" under "Action." ■



**Cap-and-trade** legislation, such as that passed by the House in June (see House vote #12), would negatively impact not just major utilities that emit carbon dioxide and other “greenhouse” gases, but other businesses as well, including the family-owned Belden Brick Co. (shown above) in Ohio.

**12 Cap and Trade.** The American Clean Energy and Security Act (H.R. 2454), also known as the cap-and-trade bill, would not merely “cap” carbon dioxide and other “greenhouse” gas emissions, ostensibly to fight global warming, but would reduce the amount of allowable emissions over time — to 17 percent below 2005 levels by 2020, 42 percent by 2030, and 83 percent by 2050. The government would auction or freely distribute a limited number of emission allowances, which companies would be able to buy or sell. Of course, as the total amount of allowable emissions is reduced, the price of the allowances would skyrocket — and with them the price of electricity and whatever else is produced from burning fossil fuel. The Congressional Budget Office estimated that the effect of the House committee version of the bill would be to raise federal taxes by \$846 billion and direct federal spending by \$821 billion over the 2010-2019 period.

The House passed the cap-and-trade bill on June 26, 2009 by a vote of 219-212 (Roll Call 477). We have assigned pluses to the “nays” because this legislation would be devastating to the economy if enacted and the federal government has no constitutional authority to limit greenhouse-gas emissions.

**13 State-Foreign Aid Appropriations.** This fiscal 2010 spending bill (H.R. 3081) would appropriate \$49 billion for the State Department and various foreign-assistance and international activities. The foreign assistance in the bill includes \$5.8 billion to help combat HIV/AIDS, \$2.7 billion for Afghanistan, \$2.2 billion for Israel, \$1.5 billion for Pakistan, \$1.4 billion for the Millennium Challenge Corporation (a United Nations-inspired entity), and \$1.3 billion for Egypt.

Though foreign aid is supposed to help the poor and suffering in foreign countries, ultimately it transfers the wealth from American taxpayers to Third World elites who have become deficient in running their socialist regimes.

The House passed H.R. 3081 on July 9, 2009 by a vote of 318-106 (Roll Call 525). We have assigned pluses to the “nays” because foreign aid is unconstitutional and unworkable.

**14 Transportation-HUD Appropriations.** The fiscal 2010 Transportation-HUD appropriations (H.R. 3288) would authorize a whopping \$123.1 billion for the Departments of Transportation and Housing and Urban Development. This includes \$68.8 billion

for discretionary spending for the two departments and their related agencies, a 25-percent increase from fiscal 2009 levels. The bill would provide \$1.5 billion in federal grants for Amtrak and \$18.2 billion for the Section 8 Tenant-based Rental Assistance program.

The House passed H.R. 3288 on July 23, 2009 by a vote of 256-168 (Roll Call 637). We have assigned pluses to the “nays” because virtually every dollar assigned to this bill, whether it is for transportation or housing assistance, is unconstitutional and unaffordable. The Senate passed similar legislation on September 17, 2009. (See Senate vote #17.)

**15 Labor-HHS-Education Appropriations.** This fiscal 2010 spending bill (H.R. 3293) would appropriate a massive \$730.5 billion for the Departments of Labor, Health and Human Services, and Education. This bill, which is the largest of all the annual appropriations bills, includes \$67.8 billion for the Department of Education and \$603.5 billion for the Department of Health and Human Services, including \$518.8 billion in “mandatory” spending for Medicare and Medicaid.

The House passed H.R. 3293 on July 24, 2009 by a vote of 264-153 (Roll Call 646). We have assigned pluses to the “nays” because the array of social welfare programs funded by this bill is unconstitutional and has failed historically.

**16 Cash for Clunkers Funding.** House vote #10 in our previous Freedom Index described the “Cash for Clunkers” program that Congress passed in June (see our July 20, 2009 issue). After running out of funds almost immediately, Congress quickly introduced yet another bill (H.R. 3435) that would provide an additional \$2 billion for the “Cash for Clunkers” program. Under the program consumers were offered rebates of up to \$4,500 if they traded in their old cars for more fuel-efficient ones. The vehicles traded in were destroyed, meaning cars not ready for the junkyard would be taken off the road, reducing the stock of used vehicles and inflating the prices of used cars.

The House passed H.R. 3435 on July 31, 2009 by a vote of 316-109 (Roll Call

# House Vote Scores

	Votes: 11-20	11	12	13	14	15	16	17	18	19	20	1-20
<b>ALABAMA</b>												
1 Bonner (R)	80%	+	+	-	+	+	+	-	+	+	+	75%
2 Bright (D)	30%	-	+	-	-	-	-	-	-	+	+	40%
3 Rogers, Mike D. (R)	50%	+	+	-	+	+	-	-	-	+	+	50%
4 Aderholt (R)	70%	+	+	-	+	+	-	-	+	+	+	68%
5 Griffith (D)	30%	-	+	-	-	-	-	-	-	+	+	40%
6 Bachus, S. (R)	80%	+	+	+	+	+	-	-	+	+	+	75%
7 Davis, A. (D)	20%	-	+	-	-	-	-	-	-	-	+	25%

<b>ALASKA</b>												
Young, D. (R)	60%	+	+	-	-	-	+	+	-	+	+	53%

<b>ARIZONA</b>												
1 Kirkpatrick (D)	20%	-	+	-	-	-	+	-	-	-	-	25%
2 Franks, T. (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
3 Shadegg (R)	90%	+	+	-	+	+	+	+	+	+	+	85%
4 Pastor (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
5 Mitchell (D)	40%	-	+	-	-	-	+	-	+	+	-	35%
6 Flake (R)	100%	+	?	+	+	+	+	+	+	+	+	100%
7 Grijalva (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
8 Giffords (D)	10%	-	-	-	-	-	+	-	-	-	-	15%

<b>ARKANSAS</b>												
1 Berry (D)	10%	-	+	-	-	-	-	-	-	-	-	16%
2 Snyder (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
3 Boozman (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
4 Ross (D)	20%	-	+	-	-	-	-	-	-	-	+	25%

<b>CALIFORNIA</b>												
1 Thompson, M. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
2 Herger (R)	90%	+	+	+	+	+	+	-	+	+	+	85%
3 Lungren (R)	90%	+	+	+	+	+	+	-	+	+	+	85%
4 McClintock (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
5 Matsui (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
6 Woolsey (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
7 Miller, George (D)	0%	-	-	-	-	-	-	-	-	-	-	11%
8 Pelosi (D)	-	-	?	?	?	?	?	?	?	?	-	0%
9 Lee (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
10 Garamendi (D)	-	-	-	-	-	-	-	-	-	-	-	-
11 McNerney (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
12 Speier (D)	10%	+	-	-	-	-	-	-	-	-	-	20%
13 Stark (D)	30%	+	+	+	-	-	-	-	-	-	-	33%
14 Eshoo (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
15 Honda (D)	10%	+	-	-	-	-	-	-	-	-	-	10%
16 Lofgren (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
17 Farr (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
18 Cardoza (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
19 Radanovich (R)	100%	+	+	+	+	+	+	?	+	+	+	95%
20 Costa (D)	10%	-	+	-	-	-	-	-	-	-	-	15%
21 Nunes (R)	100%	+	+	+	+	+	+	+	?	+	+	95%
22 McCarthy, K. (R)	89%	+	+	+	+	+	+	?	+	+	+	89%
23 Capps (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
24 Gallegly (R)	100%	+	+	+	+	+	+	+	+	+	+	85%
25 McKeon (R)	90%	+	+	+	+	+	-	+	+	+	+	80%
26 Dreier (R)	70%	+	+	-	+	+	-	-	+	+	+	75%
27 Sherman (D)	10%	+	-	-	-	-	-	-	-	-	-	10%
28 Berman (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
29 Schiff (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
30 Waxman (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
31 Becerra (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
32 Chu (D)	0%	-	-	-	-	-	-	-	-	-	-	0%

	Votes: 11-20	11	12	13	14	15	16	17	18	19	20	1-20
33 Watson (D)	11%	+	-	-	-	?	-	-	-	-	-	16%
34 Roybal-Allard (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
35 Waters (D)	10%	+	-	-	-	-	-	-	-	-	-	10%
36 Harman (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
37 Richardson (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
38 Napolitano (D)	0%	-	-	-	-	-	-	-	-	-	-	15%
39 Sanchez, Linda (D)	0%	-	-	-	-	-	-	-	-	-	-	6%
40 Royce (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
41 Lewis, Jerry (R)	100%	+	+	+	+	+	+	+	+	+	+	85%
42 Miller, Gary (R)	90%	+	+	+	+	+	-	+	+	+	+	84%
43 Baca (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
44 Calvert (R)	90%	+	+	+	+	+	-	+	+	+	+	75%
45 Bono Mack (R)	70%	+	-	-	+	+	-	+	+	+	+	53%
46 Rohrabacher (R)	90%	+	+	+	+	+	+	-	+	+	+	85%
47 Sanchez, Loretta (D)	0%	-	-	-	-	-	-	-	-	-	-	11%
48 Campbell (R)	90%	+	+	+	+	+	-	+	+	+	+	83%
49 Issa (R)	80%	+	+	-	+	+	-	+	+	+	+	85%
50 Bilbray (R)	70%	+	+	+	+	+	-	-	+	+	+	60%
51 Filner (D)	10%	+	-	-	-	-	-	-	-	-	-	20%
52 Hunter (R)	90%	+	+	-	+	+	+	+	+	+	+	85%
53 Davis, S. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%

<b>COLORADO</b>												
1 DeGette (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
2 Polis (D)	20%	+	-	-	-	-	+	-	-	-	-	25%
3 Salazar, J. (D)	11%	-	+	-	-	-	?	-	-	-	-	16%
4 Markey, B. (D)	20%	-	-	-	+	-	-	-	-	-	+	20%
5 Lamborn (R)	90%	+	+	-	+	+	+	+	+	+	+	90%
6 Coffman (R)	90%	+	+	-	+	+	+	+	+	+	+	75%
7 Perlmutter (D)	0%	-	-	-	-	-	-	-	-	-	-	5%

<b>CONNECTICUT</b>												
1 Larson, J. (D)	0%	-	-	?	-	-	-	-	-	-	-	5%
2 Courtney (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
3 DeLauro (D)	0%	-	-	?	-	-	-	-	-	-	-	0%
4 Himes (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
5 Murphy, C. (D)	0%	-	-	-	?	-	-	-	-	-	-	5%

<b>DELAWARE</b>												
Castle (R)	50%	+	-	-	+	-	-	-	+	+	+	40%

<b>FLORIDA</b>												
1 Miller, J. (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
2 Boyd, A. (D)	20%	-	-	-	-	-	+	-	-	-	+	25%
3 Brown, C. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
4 Crenshaw (R)	90%	+	+	-	+	+	+	+	+	+	+	80%
5 Brown-Waite, G. (R)	60%	+	+	+	+	-	-	-	+	+	+	65%
6 Stearns (R)	70%	+	+	-	+	+	-	-	+	+	+	70%
7 Mica (R)	100%	+	+	+	+	+	+	+	+	+	+	85%
8 Grayson (D)	10%	+	-	-	-	-	-	-	-	-	-	20%
9 Bilirakis (R)	90%	+	+	-	+	+	+	+	+	+	+	75%
10 Young, C.W. (R)	78%	?	+	+	+	+	-	-	+	+	+	63%
11 Castor (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
12 Putnam (R)	70%	+	+	-	+	+	-	+	-	+	+	68%
13 Buchanan (R)	67%	+	+	-	+	-	?	-	+	+	+	61%
14 Mack (R)	90%	+	+	-	+	+	+	+	+	+	+	89%
15 Posey (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
16 Rooney (R)	70%	+	+	-	+	+	+	-	+	+	+	70%
17 Meek, K. (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
18 Ros-Lehtinen (R)	40%	+	+	-	-	-	-	-	-	+	+	35%
19 Wexler (D)	0%	-	-	-	-	?	-	-	-	-	-	5%

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A "?" means a Rep. did not vote; a "P" means he voted "present." If a Rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 1, 2, and 4.



682). We have assigned pluses to the “nays” because the federal government should not be subsidizing the car industry and because it is unconstitutional and wasteful. The Senate passed a similar bill on August 6, 2009. (See Senate vote #15.)

## 17 Energy-Water Appropriations.

The final version (conference report) of H.R. 3183 would appropriate \$34 billion in fiscal 2010 for energy and water projects. The funds would provide \$27.1 billion for the Energy Department, \$5.4 billion for the Army Corps of Engineers, and \$1.1 billion for the Interior Department’s Bureau of Reclamation.

The House passed the final version of H.R. 3183 on October 1, 2009 by a vote of 308-114 (Roll Call 752). We have assigned pluses to the “nays” because the Department of Energy is not authorized by the Constitution. The Senate adopted this legislation on October 15, 2009. (See Senate vote #19.)

## 18 Agriculture Appropriations.

The final version (conference report) of the Agriculture appropriations bill (H.R. 2997) would authorize \$121.2 billion in fiscal 2010 for the Agriculture Department and related agencies. This social-welfare bill would include \$21 billion for the Agriculture Department, \$2.4 billion for the Food and Drug Administra-

tion, \$58.3 billion to fund the food stamp program, \$17 billion for the child nutrition program, \$7.3 billion for the Women, Infants, and Children program, and \$1.7 billion for the Food for Peace program.

Excluding emergency spending, H.R. 2997 would represent a \$2.7 billion increase from the 2009 appropriations level. More than 80 percent of the funds for H.R. 2997 would be reserved for mandatory programs such as food stamps and crop support.

The House passed the final version of H.R. 2997 on October 7, 2009 by a vote of 263-162 (Roll Call 761). We have assigned pluses to the “nays” because federal aid to farmers and federal food aid to individuals are not authorized by the Constitution. The Senate passed this legislation the following day. (See Senate vote #18.)

## 19 Interior-Environment Appropriations.

This appropriations bill (H.R. 2996) would authorize \$32.3 billion in fiscal 2010 for the Interior Department, the EPA, and related agencies. The bill would provide \$11 billion for the Interior Department, \$10.3 billion for the EPA, \$3.5 billion for the Forest Service, and \$4.1 billion for the Indian Health Service. Additionally, H.R. 2996 would authorize \$168 million each for the National Endowment for the Arts and the National Endowment for the Humanities,

and provide \$761 million to the Smithsonian Institution.

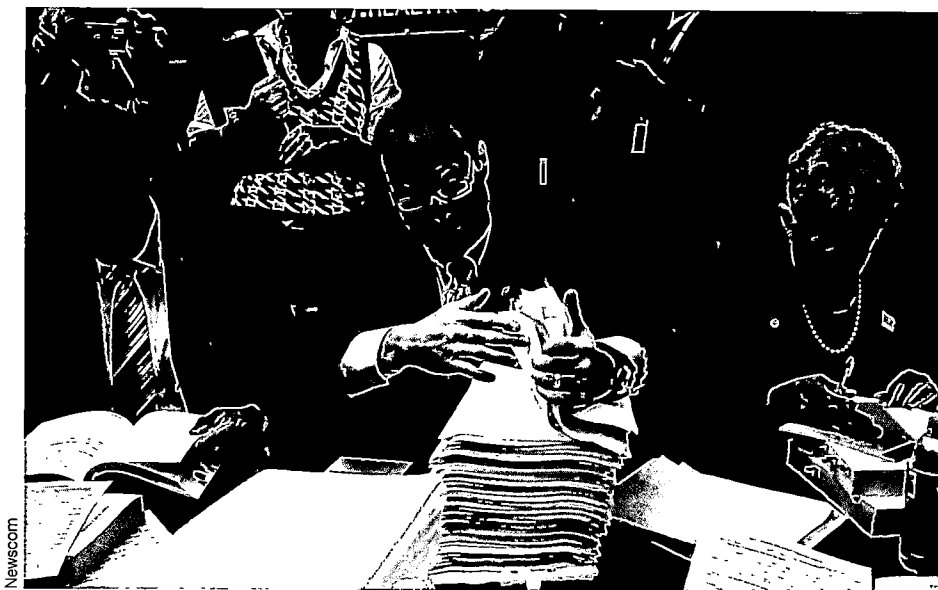
The spending in H.R. 2996 is about \$4.7 billion, or roughly 17 percent, more than what was received in fiscal 2009 for the same programs. Representative Jerry Lewis (R-Calif.) argued that the increased spending is “irresponsible, especially in light of the fact Congress must soon consider legislation to increase our national debt limit.”

The House adopted the conference report for H.R. 2996 on October 29, 2009 by a vote of 247-178 (Roll Call 826). We have assigned pluses to the “nays” because the majority of funding in the bill is unconstitutional and wasteful. The Senate passed this legislation on the same day. (See Senate vote #20.)

## 20 Healthcare “Reform.”

The provisions in this bill (H.R. 3962) would cost about a trillion dollars (although such estimates are notoriously unreliable) over the next 10 years and complete the government takeover of our healthcare industry that was started with congressional passage of the original Medicare bill in 1965. This bill would overhaul the nation’s health insurance system and require most individuals to buy health insurance by 2013. A Health Choices Administration would be created that would be tasked with establishing a federal health insurance exchange, including a government-run public health insurance option to allow individuals without coverage to obtain insurance. A federal excise tax would be levied on those that do not obtain coverage. Employers would be required to offer health insurance to employees or contribute to a fund for coverage. Failure to provide coverage would subject businesses to penalties of up to eight percent of their payroll. This bill would also bar insurance companies from denying or reducing coverage based on pre-existing medical conditions.

The House passed H.R. 3962 on November 7, 2009 by a vote of 220-215 (Roll Call 887). We have assigned pluses to the “nays” because a federal government takeover of our healthcare system is not authorized by the Constitution and will cost most Americans more for healthcare. ■



**Tall order:** House Republicans sift through and read some of the nearly 2,000 pages of the healthcare “reform” bill prior to House passage on Saturday, November 7. (See House vote #20.)

	Votes: 11-20	11	12	13	14	15	16	17	18	19	20	1-20
20 Wasserman Schultz (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
21 Diaz-Balart, L. (R)	50%	+	+	-	-	+	-	-	-	+	+	45%
22 Klein, R. (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
23 Hastings, A. (D)	0%	-	?	-	-	-	-	-	-	-	-	5%
24 Kosmas (D)	10%	-	-	-	-	-	-	-	-	-	+	15%
25 Diaz-Balart, M. (R)	50%	+	+	-	-	+	-	-	-	+	+	45%
<b>GEORGIA</b>												
1 Kingston (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
2 Bishop, S. (D)	10%	-	-	-	-	-	-	+	-	-	-	10%
3 Westmoreland (R)	90%	+	+	-	+	+	+	+	+	+	+	90%
4 Johnson, H. (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
5 Lewis, John (D)	11%	?	-	-	-	-	-	+	-	-	-	18%
6 Price, T. (R)	90%	+	+	-	+	+	+	+	+	+	+	90%
7 Linder (R)	100%	+	+	+	+	+	?	+	+	+	+	94%
8 Marshall (D)	50%	-	+	-	+	-	+	+	-	-	+	45%
9 Deal (R)	100%	+	+	+	+	+	?	+	+	+	+	94%
10 Broun (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
11 Gingrey (R)	89%	+	+	+	+	?	-	+	+	+	+	79%
12 Barrow (D)	30%	-	+	-	-	-	-	+	-	-	+	30%
13 Scott, D. (D)	10%	-	-	-	-	-	-	+	-	-	-	10%
<b>HAWAII</b>												
1 Abercrombie (D)	0%	-	-	-	?	-	-	-	-	-	-	5%
2 Hirono (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
<b>IDAHO</b>												
1 Minnick (D)	40%	-	+	-	+	-	-	-	-	+	+	35%
2 Simpson (R)	80%	+	+	+	+	+	-	-	+	+	+	65%
<b>ILLINOIS</b>												
1 Rush (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
2 Jackson, J. (D)	0%	-	-	-	-	-	-	-	-	-	-	6%
3 Lipinski (D)	0%	-	-	-	-	-	-	-	-	-	-	11%
4 Gutierrez (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
5 Quigley (D)	0%	-	-	-	-	-	-	-	-	-	-	6%
6 Roskam (R)	90%	+	+	-	+	+	+	+	+	+	+	85%
7 Davis, D. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
8 Bean (D)	10%	-	-	-	-	-	-	-	+	-	-	5%
9 Schakowsky (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
10 Kirk, M. (R)	40%	-	-	-	+	+	-	-	+	-	+	35%
11 Halvorson (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
12 Costello (D)	20%	-	+	-	-	-	-	-	+	-	-	20%
13 Biggert (R)	70%	+	+	-	+	+	-	-	+	+	+	60%
14 Foster (D)	10%	-	+	-	-	-	-	-	-	-	-	10%
15 Johnson, Timothy (R)	100%	+	+	+	+	+	+	+	+	+	+	85%
16 Manzullo (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
17 Hare (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
18 Schock (R)	70%	+	+	-	+	+	+	-	-	+	+	70%
19 Shimkus (R)	90%	+	+	+	+	+	-	+	+	+	+	79%
<b>INDIANA</b>												
1 Visclosky (D)	10%	-	+	-	-	-	-	-	-	-	-	10%
2 Donnelly (D)	20%	-	+	-	-	-	-	-	-	-	-	20%
3 Souder (R)	60%	+	+	-	+	+	-	-	-	+	+	50%
4 Buyer (R)	89%	+	+	+	+	+	-	+	+	?	+	84%
5 Burton (R)	80%	+	+	-	+	+	-	+	+	+	+	75%
6 Pence (R)	89%	+	+	-	+	?	+	+	+	+	+	89%
7 Carson, A. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
8 Ellsworth (D)	10%	-	+	-	-	-	-	-	-	-	-	20%
9 Hill (D)	40%	-	-	-	+	+	-	-	+	+	-	30%
<b>IOWA</b>												
1 Braley (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
2 Loebsack (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
3 Boswell (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
4 Latham (R)	80%	+	+	+	+	+	-	-	+	+	+	65%
5 King, S. (R)	100%	+	+	+	+	+	+	+	+	+	+	90%

**KANSAS**

1 Moran, Jerry (R)	90%	+	+	-	+	+	+	+	+	+	+	84%
2 Jenkins (R)	90%	+	+	-	+	+	+	+	+	+	+	90%
3 Moore, D. (D)	10%	-	-	-	-	-	-	-	-	+	-	10%
4 Tiahrt (R)	80%	+	+	-	+	+	-	+	+	+	+	80%

**KENTUCKY**

1 Whitfield (R)	89%	+	+	-	+	+	+	?	+	+	+	83%
2 Guthrie (R)	70%	+	+	-	+	+	-	-	+	+	+	65%
3 Yarmuth (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
4 Davis, G. (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
5 Rogers, H. (R)	90%	+	+	+	+	+	+	+	+	+	+	75%
6 Chandler (D)	10%	-	-	-	-	-	-	-	-	-	+	15%

**LOUISIANA**

1 Scalise (R)	90%	+	+	-	+	+	+	+	+	+	+	85%
2 Cao (R)	10%	-	+	-	-	-	-	-	-	-	-	25%
3 Melancon (D)	20%	-	+	-	-	-	-	-	-	-	+	25%
4 Fleming (R)	80%	+	+	-	+	+	+	-	+	+	+	75%
5 Alexander, R. (R)	67%	?	+	-	+	-	+	-	+	+	+	74%
6 Cassidy (R)	70%	+	+	-	+	+	-	-	+	+	+	60%
7 Boustany (R)	80%	+	+	+	+	+	-	-	+	+	+	74%

**MAINE**

1 Pingree (D)	10%	+	-	-	-	-	-	-	-	-	-	20%
2 Michaud (D)	10%	+	-	-	-	-	-	-	-	-	-	20%

**MARYLAND**

1 Kratovil (D)	40%	-	-	-	+	+	-	-	-	+	+	30%
2 Ruppersberger (D)	0%	-	-	-	-	-	-	-	?	-	-	6%
3 Sarbanes (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
4 Edwards, D. (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
5 Hoyer (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
6 Bartlett (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
7 Cummings (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
8 Van Hollen (D)	0%	-	-	-	-	-	-	-	-	-	-	5%

**MASSACHUSETTS**

1 Olver (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
2 Neal (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
3 McGovern (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
4 Frank, B. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
5 Tsongas (D)	11%	+	-	-	-	-	-	-	-	?	-	16%
6 Tierney (D)	20%	+	-	-	-	-	+	-	-	-	-	20%
7 Markey, E. (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
8 Capuano (D)	11%	+	-	-	-	-	-	?	-	-	-	16%
9 Lynch (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
10 Delahunt (D)	0%	-	-	-	-	-	-	-	-	-	-	11%

**MICHIGAN**

1 Stupak (D)	10%	-	-	+	-	-	-	-	-	-	-	15%
2 Hoekstra (R)	90%	+	+	+	+	+	-	+	+	+	+	75%
3 Ehlers (R)	60%	+	+	+	-	-	-	-	+	+	+	60%
4 Camp (R)	80%	+	+	+	+	+	-	-	+	+	+	75%
5 Kildee (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
6 Upton (R)	70%	+	+	+	+	+	-	-	+	+	+	60%
7 Schauer (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
8 Rogers, Mike (R)	80%	+	+	+	+	+	-	-	+	+	+	65%
9 Peters (D)	10%	-	-	-	-	-	-	-	+	-	-	10%
10 Miller, C. (R)	40%	-	+	-	+	+	-	-	-	-	+	40%
11 McCotter (R)	70%	+	+	-	+	+	-	-	+	+	+	60%
12 Levin, S. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
13 Kilpatrick (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
14 Conyers (D)	10%	+	-	-	-	-	-	-	-	-	-	21%
15 Dingell (D)	0%	-	-	-	-	-	-	-	-	-	-	5%

**MINNESOTA**

1 Walz (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
2 Kline, J. (R)	80%	+	+	-	+	+	-	+	+	+	+	85%

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A "?" means a Rep. did not vote; a "P" means he voted "present." If a Rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 1, 2, and 4.



# 111<sup>TH</sup> CONGRESS, VOTES 11-20

	Votes: 11-20	11	12	13	14	15	16	17	18	19	20	1-20
3 Paulsen (R)	90%	+	+	-	+	+	+	+	+	+	+	70%
4 McCollum (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
5 Ellison (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
6 Bachmann (R)	90%	+	+	-	+	+	+	+	+	+	+	90%
7 Peterson (D)	30%	-	-	+	-	-	+	-	-	-	+	30%
8 Oberstar (D)	0%	-	-	-	-	-	-	-	-	-	-	5%

## MISSISSIPPI

1 Childers (D)	30%	-	+	-	-	-	-	-	-	+	+	35%
2 Thompson, B. (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
3 Harper (R)	67%	+	+	-	+	+	?	-	-	+	+	78%
4 Taylor (D)	70%	-	+	+	+	+	-	-	+	+	+	65%

## MISSOURI

1 Clay (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
2 Akin (R)	89%	+	+	?	+	+	+	-	+	+	+	84%
3 Carnahan (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
4 Skelton (D)	11%	-	-	-	?	-	-	-	-	-	+	6%
5 Cleaver (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
6 Graves (R)	100%	+	+	?	+	+	+	+	+	+	+	84%
7 Blunt (R)	89%	+	+	+	?	+	-	+	+	+	+	84%
8 Emerson (R)	80%	+	+	+	+	+	-	+	-	+	+	65%
9 Luetkemeyer (R)	80%	+	+	+	+	+	+	-	-	+	+	80%

## MONTANA

Rehberg (R)	80%	+	+	+	+	+	-	-	+	+	+	70%
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## NEBRASKA

1 Fortenberry (R)	80%	+	+	+	+	+	+	-	-	+	+	75%
2 Terry (R)	70%	+	+	-	+	+	-	-	+	+	+	65%
3 Smith, Adrian (R)	100%	+	+	+	+	+	+	+	+	+	+	95%

## NEVADA

1 Berkley (D)	0%	?	-	-	-	-	-	-	-	-	-	11%
2 Heller (R)	100%	+	+	?	+	+	+	+	+	+	+	84%
3 Titus (D)	0%	-	-	-	-	-	-	-	-	-	-	10%

## NEW HAMPSHIRE

1 Shea-Porter (D)	10%	+	-	-	-	-	-	-	-	-	-	20%
2 Hodes (D)	0%	-	-	-	-	-	-	-	-	-	-	10%

## NEW JERSEY

1 Andrews (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
2 LoBiondo (R)	20%	+	-	-	-	-	-	-	-	-	+	25%
3 Adler (D)	22%	-	-	-	-	-	?	+	-	+	-	21%
4 Smith, C. (R)	30%	+	-	+	-	-	-	-	-	-	+	40%
5 Garrett (R)	90%	+	+	-	+	+	+	+	+	+	+	90%
6 Pallone (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
7 Lance (R)	60%	+	-	-	+	+	-	-	+	+	+	45%
8 Pascarella (D)	0%	-	-	-	?	-	-	?	-	-	-	6%
9 Rothman (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
10 Payne (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
11 Frelinghuysen (R)	80%	+	+	-	+	+	+	-	+	+	+	55%
12 Holt (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
13 Sires (D)	0%	-	-	-	-	-	-	-	-	-	-	5%

## NEW MEXICO

1 Heinrich (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
2 Teague (D)	20%	-	-	+	-	-	-	-	-	-	+	26%
3 Lujan (D)	0%	-	-	-	-	-	-	-	-	-	-	10%

## NEW YORK

1 Bishop, T. (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
2 Israel (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
3 King, P. (R)	50%	-	+	-	+	-	-	-	+	+	+	50%
4 McCarthy, C. (D)	0%	-	-	-	?	?	?	-	-	-	-	0%
5 Ackerman (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
6 Meeks, G. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
7 Crowley (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
8 Nadler (D)	0%	-	-	-	-	-	-	-	?	-	-	5%

	Votes: 11-20	11	12	13	14	15	16	17	18	19	20	1-20
9 Weiner (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
10 Towns (D)	0%	-	-	-	-	-	-	-	-	?	-	5%
11 Clarke (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
12 Velazquez (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
13 McMahon (D)	10%	-	-	-	-	-	-	-	-	-	+	11%
14 Maloney (D)	0%	-	-	-	-	-	-	?	?	-	-	6%
15 Rangel (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
16 Serrano (D)	10%	+	-	-	-	-	-	-	-	-	-	20%
17 Engel (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
18 Lowey (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
19 Hall, J. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
20 Murphy, S. (D)	20%	-	-	-	-	-	+	-	-	-	+	21%
21 Tonko (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
22 Hinchey (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
23 Owens (D)												
24 Arcuri (D)	10%	-	+	-	-	-	-	-	-	-	-	15%
25 Maffei (D)	0%	-	-	-	-	-	-	-	-	-	-	11%
26 Lee, C. (R)	60%	+	+	-	+	+	-	-	-	+	+	47%
27 Higgins (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
28 Slaughter (D)	0%	-	-	-	?	-	-	-	-	-	-	5%
29 Massa (D)	30%	+	+	-	-	-	-	-	-	-	+	30%

## NORTH CAROLINA

1 Butterfield (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
2 Etheridge (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
3 Jones, W. (R)	67%	+	+	+	+	?	-	-	-	+	+	74%
4 Price, D. (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
5 Foxx (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
6 Coble (R)	80%	+	+	+	-	+	-	+	+	+	+	80%
7 McIntyre (D)	30%	-	+	+	-	-	-	-	-	-	+	35%
8 Kissell (D)	20%	-	+	-	-	-	-	-	-	-	+	21%
9 Myrick (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
10 McHenry (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
11 Shuler (D)	10%	-	-	-	-	-	-	-	-	-	+	25%
12 Watt (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
13 Miller, B. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%

## NORTH DAKOTA

Pomeroy (D)	10%	-	+	-	-	-	-	-	-	-	-	10%
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## OHIO

1 Driehaus (D)	10%	-	-	-	+	-	-	-	-	-	-	15%
2 Schmidt (R)	89%	+	+	-	+	+	+	?	+	+	+	84%
3 Turner (R)	60%	+	+	-	+	-	-	-	-	+	+	55%
4 Jordan (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
5 Latta (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
6 Wilson, Charlie (D)	10%	-	+	-	-	-	-	-	-	-	-	5%
7 Austria (R)	70%	+	+	-	+	+	-	-	+	+	+	60%
8 Boehner (R)	100%	+	+	?	?	?	+	+	+	+	+	94%
9 Kaptur (D)	10%	+	-	-	-	-	-	-	-	-	-	20%
10 Kucinich (D)	60%	+	+	+	-	-	-	+	-	+	+	50%
11 Fudge (D)	0%	-	-	?	-	-	-	-	-	-	-	5%
12 Tiberi (R)	70%	+	+	-	+	+	-	-	+	+	+	58%
13 Sutton (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
14 LaTourette (R)	50%	+	+	-	-	+	-	-	+	-	+	45%
15 Kilroy (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
16 Boccieri (D)	10%	-	-	-	-	-	-	-	-	-	+	15%
17 Ryan, T. (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
18 Space (D)	0%	-	-	-	-	-	-	-	-	-	-	10%

## OKLAHOMA

1 Sullivan (R)	88%	?	?	-	+	+	+	+	+	+	+	81%
2 Boren (D)	20%	-	+	-	-	-	-	-	-	-	+	25%
3 Lucas (R)	100%	+	+	+	+	+	+	+	+	+	+	85%
4 Cole (R)	80%	+	+	-	+	+	+	+	+	+	-	75%
5 Fallin (R)	90%	+	+	+	+	+	+	+	+	+	+	90%

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	Votes: 11-20	11	12	13	14	15	16	17	18	19	20	1-20
<b>OREGON</b>												
1 Wu (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
2 Walden (R)	90%	+	+	+	+	+	-	+	+	+	+	65%
3 Blumenauer (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
4 DeFazio (D)	10%	-	+	-	-	-	-	-	-	-	-	15%
5 Schrader (D)	10%	-	-	-	-	-	+	-	-	-	-	10%
<b>PENNSYLVANIA</b>												
1 Brady, R. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
2 Fattah (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
3 Dahlkemper (D)	11%	-	+	-	-	?	-	-	-	-	-	16%
4 Altmire (D)	30%	-	+	-	-	-	-	+	-	+	+	25%
5 Thompson, G. (R)	70%	+	+	-	+	+	-	-	+	+	+	65%
6 Gerlach (R)	60%	+	+	-	+	-	-	-	+	+	+	45%
7 Sestak (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
8 Murphy, P. (D)	0%	-	-	-	-	-	-	-	-	?	-	0%
9 Shuster (R)	70%	+	+	-	+	+	-	-	+	+	+	75%
10 Carney (D)	13%	-	+	-	-	-	-	?	?	-	-	17%
11 Kanjorski (D)	10%	-	-	-	-	-	-	+	-	-	-	10%
12 Murtha (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
13 Schwartz (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
14 Doyle (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
15 Dent (R)	70%	+	+	-	+	-	+	-	+	+	+	55%
16 Pitts (R)	90%	+	+	+	+	+	-	+	+	+	+	85%
17 Holden (D)	20%	-	+	-	-	-	-	-	-	-	+	15%
18 Murphy, T. (R)	33%	+	+	-	-	-	-	-	-	?	+	42%
19 Platts (R)	60%	+	+	-	+	-	-	+	+	-	+	50%
<b>RHODE ISLAND</b>												
1 Kennedy (D)	0%	?	-	-	-	-	-	-	-	-	-	0%
2 Langevin (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
<b>SOUTH CAROLINA</b>												
1 Brown, H. (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
2 Wilson, J. (R)	90%	+	+	-	+	+	+	+	+	+	+	90%
3 Barrett (R)	100%	+	+	+	?	?	+	?	+	?	+	88%
4 Inglis (R)	90%	+	+	-	+	+	+	+	+	+	+	85%
5 Spratt (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
6 Clyburn (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
<b>SOUTH DAKOTA</b>												
Herseht Sandlin (D)	40%	-	+	+	-	-	+	-	-	-	+	35%
<b>TENNESSEE</b>												
1 Roe (R)	80%	+	+	-	+	+	-	+	+	+	+	70%
2 Duncan (R)	90%	+	+	+	+	+	-	+	+	+	+	95%
3 Wamp (R)	80%	+	+	+	+	+	-	-	+	+	+	79%
4 Davis, L. (D)	20%	-	+	-	-	-	-	-	-	-	+	20%
5 Cooper (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
6 Gordon (D)	10%	-	-	-	-	-	-	-	-	-	+	10%
7 Blackburn (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
8 Tanner (D)	20%	-	+	-	-	-	-	-	-	-	+	22%
9 Cohen (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
<b>TEXAS</b>												
1 Gohmert (R)	100%	+	+	+	+	+	?	+	+	+	+	94%
2 Poe (R)	90%	+	+	+	+	+	-	+	+	+	+	79%
3 Johnson, S. (R)	100%	+	+	+	+	+	+	+	?	+	+	95%
4 Hall, R. (R)	70%	+	+	+	+	+	-	-	-	+	+	70%
5 Hensarling (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
6 Barton (R)	90%	+	+	+	+	+	-	+	+	+	+	80%
7 Culberson (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
8 Brady, K. (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
9 Green, A. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
10 McCaul (R)	100%	+	+	+	+	+	?	+	+	+	+	89%
11 Conaway (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
12 Granger (R)	89%	+	+	?	+	+	+	-	+	+	+	82%
13 Thornberry (R)	90%	+	+	+	+	+	+	-	+	+	+	90%

	Votes: 11-20	11	12	13	14	15	16	17	18	19	20	1-20
14 Paul (R)	100%	+	+	+	?	?	+	+	+	+	+	100%
15 Hinojosa (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
16 Reyes (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
17 Edwards, C. (D)	20%	-	+	-	-	-	-	-	-	-	+	10%
18 Jackson-Lee (D)	0%	-	-	-	-	?	-	-	-	-	-	0%
19 Neugebauer (R)	100%	+	+	+	+	+	+	?	?	+	+	94%
20 Gonzalez (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
21 Smith, Lamar (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
22 Olson (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
23 Rodriguez (D)	10%	-	+	-	-	-	-	-	-	-	-	15%
24 Marchant (R)	89%	+	+	+	+	?	-	+	+	+	+	89%
25 Doggett (D)	20%	+	-	-	-	-	+	-	-	-	-	30%
26 Burgess (R)	100%	+	+	+	+	+	+	+	+	+	+	89%
27 Ortiz (D)	10%	-	+	-	-	-	-	-	-	-	-	10%
28 Cuellar (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
29 Green, G. (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
30 Johnson, E. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
31 Carter (R)	90%	+	+	+	+	+	+	+	+	+	+	90%
32 Sessions, P. (R)	90%	+	+	-	+	+	+	+	+	+	+	89%
<b>UTAH</b>												
1 Bishop, R. (R)	100%	+	+	+	?	?	+	+	+	+	+	94%
2 Matheson (D)	70%	-	+	+	+	+	-	+	+	-	+	50%
3 Chaffetz (R)	100%	+	+	+	+	+	+	+	+	+	+	90%
<b>VERMONT</b>												
Welch (D)	10%	+	-	-	-	-	-	-	-	-	-	20%
<b>VIRGINIA</b>												
1 Wittman (R)	90%	+	+	+	+	+	+	-	+	+	+	75%
2 Nye (D)	70%	-	+	-	+	+	-	+	+	+	+	45%
3 Scott, R. (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
4 Forbes (R)	90%	+	+	+	+	+	+	-	+	+	+	85%
5 Perriello (D)	10%	-	-	-	-	-	-	-	-	+	-	17%
6 Goodlatte (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
7 Cantor (R)	90%	+	+	-	+	+	+	+	+	+	+	85%
8 Moran, James (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
9 Boucher (D)	10%	-	-	-	-	-	-	-	-	-	+	11%
10 Wolf (R)	70%	+	+	+	-	-	+	-	+	+	+	65%
11 Connolly (D)	0%	-	-	-	-	-	-	-	-	-	-	10%
<b>WASHINGTON</b>												
1 Inslee (D)	0%	-	-	-	-	-	-	-	-	-	-	15%
2 Larsen, R. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
3 Baird (D)	40%	-	-	-	-	-	+	+	-	+	+	30%
4 Hastings, D. (R)	90%	+	+	+	+	+	+	+	+	+	+	85%
5 McMorris Rodgers (R)	90%	+	+	+	+	+	+	-	+	+	+	84%
6 Dicks (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
7 McDermott (D)	0%	-	-	-	-	-	-	-	-	-	-	15%
8 Reichert (R)	30%	+	-	-	-	-	-	-	+	-	+	35%
9 Smith, Adam (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
<b>WEST VIRGINIA</b>												
1 Mollohan (D)	10%	-	+	-	-	-	-	-	-	-	-	5%
2 Capito (R)	67%	+	+	-	+	?	-	-	+	+	+	53%
3 Rahall (D)	10%	-	+	-	-	-	-	-	-	-	-	5%
<b>WISCONSIN</b>												
1 Ryan, P. (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
2 Baldwin (D)	10%	+	-	-	-	-	-	-	-	-	-	15%
3 Kind (D)	40%	-	-	-	+	-	-	+	+	+	-	30%
4 Moore, G. (D)	0%	-	-	-	-	-	-	-	-	-	-	5%
5 Sensenbrenner (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
6 Petri (R)	80%	+	+	+	-	+	-	+	+	+	+	70%
7 Obey (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
8 Kagen (D)	0%	-	-	-	-	-	-	-	-	-	-	15%
<b>WYOMING</b>												
Lummis (R)	100%	+	+	+	+	+	+	+	+	+	+	95%

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A "?" means a Rep. did not vote; a "P" means he voted "present." If a Rep. cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to House vote descriptions on pages 1, 2, and 4.



# Senate Vote Descriptions

## 11 Supplemental Appropriations.

The final version (conference report) of the fiscal 2009 supplemental appropriations bill (H.R. 2346), which would provide \$105.9 in "emergency" funding, is described in House vote #11.

The Senate adopted the conference report (thus sending it to the President) on June 18, 2009 by a vote of 91-5 (Roll Call 210). We have assigned pluses to the "nays" because the spending is over and above what the federal government had already budgeted, the United States never declared war against Iraq and Afghanistan, and some of the spending (e.g., Cash for Clunkers and foreign aid) is unconstitutional.

**12 Koh Confirmation.** On March 23, 2009, President Obama announced his intent to nominate Harold Hongju Koh to be the Legal Adviser of the U.S. State Department. During Senate floor debate on Koh's confirmation on June 23, Senator Jim DeMint provided evidence of Koh's positions regarding international law and the U.S. Constitution, and then concluded that "Mr. Koh believes that if our President and Congress, empowered by our Constitution, decide military action is needed to defend our Nation from harm, we must get United Nations approval or our actions are illegal." As further evidence of Koh's troubling beliefs regarding the Constitution and international law, Senator DeMint quoted from a 2004 law review article entitled "International Law as Part of Our Law," in which Koh states: "U.S. domestic courts must play a key role in coordinating U.S. domestic constitutional rules with rules of foreign and international law, not simply to promote American aims but to advance the broader development of a well-functioning international judicial system."

The Senate confirmed Harold Koh to be State Department Legal Adviser on June 25, 2009 by a vote of 62-35 (Roll Call 213). We have assigned pluses to the "nays" because subordination of U.S. sovereignty to international law and international organizations would undermine the Constitution.



**On Capitol Hill:** Senate Judiciary Committee Chairman Patrick Leahy (left) escorts Sonia Sotomayor on Capitol Hill prior to her confirmation for the U.S. Supreme Court. (See Senate vote #14.) Sotomayor's record and statements indicate she will not be guided by original intent.

**13 Hate Crimes.** Senator Patrick Leahy (D-Vt.) attached an amendment to the Fiscal 2010 Defense Authorization bill (H.R. 1390) that would expand the federal hate-crimes law. Attaching such an amendment to a "must-pass" appropriations bill further ensured passage of the legislation by preventing "nay" votes from Senators who supported the annual appropriations bill. The expanded hate-crimes law would cover victims of crimes based on one's sexual orientation, gender identity, or disability. (Current law covers crimes based on race, color, religion, or national origin.)

The Senate agreed to invoke cloture on the Leahy amendment (thus limiting debate so that the amendment itself could be voted on) on July 16, 2009 by a vote of 63-28 (Roll Call 233). The amendment was subsequently adopted by unanimous consent. We have assigned pluses to the "nays" because this legislation would further federalize the criminal code, as well as punish not only criminal acts but the thoughts behind them.

**14 Sotomayor Confirmation.** Judge Sonia Sotomayor revealed her view on our God-given right to keep and bear arms while on the Second Circuit Court in the case of *United States v. San-*

*chez-Villar* (2004). In a footnote to their decision on this case, Sotomayor and two colleagues dismissed a Second Amendment claim by holding that "the right to possess a gun is clearly not a fundamental right." Her widely quoted remarks that the "court of appeals is where policy is made" and "I would hope that a wise Latina woman with the richness of her experiences would, more often than not, reach a better conclusion than a white male who hasn't lived that life" provide further evidence that Sotomayor does not base her judicial decisions on the original intent of the Constitution.

The Senate confirmed Sonia Sotomayor to be an Associate Justice of the U.S. Supreme Court on August 6, 2009 by a vote of 68-31 (Roll Call 262). We have assigned pluses to the "nays" because Judge Sotomayor is not committed to adhering to the original intent of the Constitution in her judicial decisions.

**15 Cash for Clunkers Funding.** H.R. 3435 would authorize an additional \$2 billion for the "Cash for Clunkers" vehicle trade-in program. Under the "Cash for Clunkers" program, consumers would trade in their old cars for more fuel-efficient vehicles. (See House vote #16 for more details.)

# Senate Vote Scores

	Votes:	11-20	11	12	13	14	15	16	17	18	19	20	1-20
<b>ALABAMA</b>													
Shelby (R)	50%	-	+	+	+	+	+	-	-	-	-	-	70%
Sessions, J. (R)	90%	-	+	+	+	+	+	+	+	+	+	+	89%
<b>ALASKA</b>													
Murkowski (R)	40%	-	+	-	+	+	+	-	-	-	-	-	45%
Begich (D)	10%	-	-	-	-	-	-	+	-	-	-	-	11%
<b>ARIZONA</b>													
McCain (R)	89%	-	+	+	+	+	+	?	+	+	+	+	84%
Kyl (R)	80%	-	+	+	+	+	+	+	+	+	-	+	80%
<b>ARKANSAS</b>													
Lincoln (D)	10%	-	-	-	-	-	-	+	-	-	-	-	10%
Pryor (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>CALIFORNIA</b>													
Feinstein (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Boxer (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>COLORADO</b>													
Udall, Mark (D)	10%	-	-	-	-	-	-	+	-	-	-	-	11%
Bennet (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>CONNECTICUT</b>													
Dodd (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Lieberman (I)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>DELAWARE</b>													
Carper (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Kaufman (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>FLORIDA</b>													
Nelson, Bill (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
LeMieux (R)	80%	-	-	-	-	-	-	+	+	+	-	+	80%
<b>GEORGIA</b>													
Chambliss (R)	90%	-	+	+	+	+	+	+	+	+	+	+	84%
Isakson (R)	80%	-	+	+	+	+	+	+	+	+	+	-	80%
<b>HAWAII</b>													
Inouye (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Akaka (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>IDAHO</b>													
Crapo (R)	60%	-	+	+	+	+	+	+	+	-	-	-	75%
Risch (R)	60%	-	+	+	+	+	+	+	+	-	-	-	75%
<b>ILLINOIS</b>													
Durbin (D)	0%	-	-	-	-	-	-	-	-	-	-	-	0%
Burris (D)	0%	-	-	-	-	-	-	-	-	-	-	-	0%
<b>INDIANA</b>													
Lugar (R)	30%	-	-	-	-	+	+	+	-	-	-	+	35%
Bayh (D)	50%	-	-	-	-	-	-	+	+	+	+	+	45%
<b>IOWA</b>													
Grassley (R)	90%	-	+	+	+	+	+	+	+	+	+	+	85%
Harkin (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>KANSAS</b>													
Brownback (R)	40%	-	+	+	+	+	+	+	-	-	-	-	65%
Roberts (R)	50%	-	+	+	+	+	+	+	-	-	-	-	70%
<b>KENTUCKY</b>													
McConnell (R)	80%	-	+	+	+	+	+	+	+	+	-	+	85%
Bunning (R)	89%	-	+	?	+	+	+	+	+	+	+	+	89%
<b>LOUISIANA</b>													
Landrieu (D)	13%	-	-	-	-	-	-	+	?	-	?	-	6%
Vitter (R)	67%	-	+	+	+	+	+	?	+	-	-	+	79%

	Votes:	11-20	11	12	13	14	15	16	17	18	19	20	1-20
<b>MAINE</b>													
Snowe (R)	10%	-	-	-	-	-	-	+	-	-	-	-	15%
Collins (R)	10%	-	-	-	-	-	-	+	-	-	-	-	20%
<b>MARYLAND</b>													
Mikulski (D)	0%	-	-	-	-	?	?	-	-	-	-	-	0%
Cardin (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>MASSACHUSETTS</b>													
Kerry (D)	13%	-	-	-	-	-	-	+	-	?	?	-	6%
Kirk, P. (D)		-	-	-	-	-	-	-	-	-	-	-	
<b>MICHIGAN</b>													
Levin, C. (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Stabenow (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>MINNESOTA</b>													
Klobuchar (D)	10%	-	-	-	-	-	-	+	-	-	-	-	10%
Franken (D)	13%	-	-	-	-	-	-	+	-	-	-	-	13%
<b>MISSISSIPPI</b>													
Cochran (R)	56%	-	+	+	+	+	+	+	-	-	?	-	63%
Wicker (R)	60%	-	+	+	+	+	+	+	-	-	-	+	65%
<b>MISSOURI</b>													
Bond (R)	22%	-	+	?	-	-	-	+	-	-	-	-	47%
McCaskill (D)	50%	-	-	-	-	+	+	+	+	-	+	+	25%
<b>MONTANA</b>													
Baucus, M. (D)	10%	-	-	-	-	-	-	+	-	-	-	-	10%
Tester (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>NEBRASKA</b>													
Nelson, Ben (D)	20%	-	-	-	-	-	+	+	-	-	-	-	30%
Johanns (R)	70%	-	+	+	+	+	+	+	-	-	+	+	74%
<b>NEVADA</b>													
Reid, H. (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Ensign (R)	100%	?	+	+	+	+	+	+	+	+	+	+	95%
<b>NEW HAMPSHIRE</b>													
Gregg (R)	38%	-	+	?	-	+	?	-	+	-	-	-	50%
Shaheen (D)	10%	-	-	-	-	-	-	+	-	-	-	-	11%
<b>NEW JERSEY</b>													
Lautenberg (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Menendez (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>NEW MEXICO</b>													
Bingaman (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Udall, T. (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>NEW YORK</b>													
Schumer (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Gillibrand (D)	0%	-	-	-	-	-	-	-	-	-	-	-	0%
<b>NORTH CAROLINA</b>													
Burr (R)	89%	-	+	+	+	+	+	?	+	+	+	+	84%
Hagan (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>NORTH DAKOTA</b>													
Conrad (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
Dorgan (D)	10%	-	-	-	-	-	-	+	-	-	-	-	11%
<b>OHIO</b>													
Voinovich (R)	10%	-	-	-	-	-	-	+	-	-	-	-	30%
Brown, S. (D)	10%	-	-	-	-	-	-	+	-	-	-	-	5%
<b>OKLAHOMA</b>													
Inhofe (R)	90%	-	+	+	+	+	+	+	+	+	+	+	90%
Coburn (R)	100%	+	+	+	+	+	+	?	+	+	+	+	100%



Votes:	11-20	11	12	13	14	15	16	17	18	19	20	1-20
<b>OREGON</b>												
Wyden (D)	10%	-	-	-	-	-	+	-	-	-	-	10%
Merkley (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
<b>PENNSYLVANIA</b>												
Specter (D)	10%	-	-	-	-	-	+	-	-	-	-	20%
Casey (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
<b>RHODE ISLAND</b>												
Reed, J. (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
Whitehouse (D)	0%	-	-	-	-	-	-	-	-	-	-	0%
<b>SOUTH CAROLINA</b>												
Graham (R)	75%	-	+	?	-	+	?	+	+	+	+	83%
DeMint (R)	100%	+	+	+	+	+	+	+	+	+	+	95%
<b>SOUTH DAKOTA</b>												
Johnson, Tim (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
Thune (R)	80%	-	+	+	+	+	+	+	+	-	+	85%
<b>TENNESSEE</b>												
Alexander, L. (R)	22%	-	+	?	-	-	+	-	-	-	-	37%
Corker (R)	67%	-	+	?	+	-	+	+	+	-	+	68%
<b>TEXAS</b>												
Hutchison (R)	67%	-	+	+	+	+	?	-	-	+	+	68%
Cornyn (R)	80%	-	+	+	+	+	+	+	+	-	+	85%

Votes:	11-20	11	12	13	14	15	16	17	18	19	20	1-20
<b>UTAH</b>												
Hatch (R)	70%	-	+	+	+	+	+	-	-	+	+	71%
Bennett (R)	50%	-	+	+	+	+	+	-	-	-	-	65%
<b>VERMONT</b>												
Leahy (D)	10%	-	-	-	-	+	-	-	-	-	-	5%
Sanders (I)	10%	+	-	-	-	-	-	-	-	-	-	20%
<b>VIRGINIA</b>												
Webb (D)	10%	-	-	-	-	-	+	-	-	-	-	10%
Warner (D)	20%	-	-	-	-	+	+	-	-	-	-	10%
<b>WASHINGTON</b>												
Murray (D)	10%	-	-	-	-	-	+	-	-	-	-	6%
Cantwell (D)	10%	-	-	-	-	-	+	-	-	-	-	10%
<b>WEST VIRGINIA</b>												
Byrd (D)	0%	?	?	?	-	?	?	-	?	-	-	17%
Rockefeller (D)	10%	-	-	-	-	-	+	-	-	-	-	6%
<b>WISCONSIN</b>												
Kohl (D)	10%	-	-	-	-	-	+	-	-	-	-	5%
Feingold (D)	30%	+	-	-	-	-	+	-	-	-	+	35%
<b>WYOMING</b>												
Enzi (R)	90%	+	+	+	+	+	+	+	+	-	+	85%
Barrasso (R)	80%	-	+	+	+	+	+	+	+	-	+	85%

The scores are derived by dividing the constitutionally correct votes (pluses) by the total number of pluses and minuses and multiplying by 100. (A "?" means a Senator did not vote; a "P" means he voted "present." If he cast fewer than five votes in this index, a score is not assigned.) Match numbers at the top of the chart to Senate vote descriptions on pages 8 and 10.

The Senate passed H.R. 3435 on August 6, 2009 by a vote of 60-37 (Roll Call 270). We have assigned pluses to the "nays" because the federal government should not be subsidizing the car industry and because it is unconstitutional and wasteful.

**16 ACORN Funding.** Senator Mike Johanns (R-Neb.) offered an amendment to the fiscal 2010 Transportation-HUD appropriations bill (H.R. 3288) stating: "None of the funds made available under this Act may be directly or indirectly distributed to the Association of Community Organizations for Reform Now (ACORN)." According to a September 15 AP story, Johanns "said that ACORN has received \$53 million in taxpayer funds since 1994 and that the group was eligible for a wider set of funding in the pending legislation, which funds housing and transportation programs." ACORN has come under intense scrutiny since the release of videos on September 9 by two conservatives, who posed as a prostitute and her pimp, in which ACORN employees in Baltimore gave advice on buying a home with illicit funds and how to account on tax forms for the woman's income. Over the next few days, the pair released several other videos depicting similar situations in ACORN offices around the nation.

The Senate passed the ACORN Funding Ban amendment to H.R. 3288 on September 14, 2009 by a vote of 83-7 (Roll Call 275). We have assigned pluses to the "yeas" because federal government funding of community organizations is not authorized by the Constitution.

**17 Transportation-HUD Appropriations.** The Senate version of H.R. 3288 is similar to the House-passed version. (See House vote #14.) The Senate version would authorize \$122 billion, including \$67.7 billion in discretionary spending, for the Departments of Transportation and Housing and Urban Development and related agencies.

The Senate passed H.R. 3288 on September 17, 2009 by a vote of 73-25 (Roll Call 287). We have assigned pluses to the "nays" because virtually every dollar assigned to this bill, whether it is for transportation or housing assistance, is unconstitutional and unaffordable.

**18 Agriculture Appropriations.** The final version (conference report) of this fiscal 2010 spending bill (H.R. 2997) to appropriate \$121.2 billion for the Agriculture Department and related agencies is described in House vote #18.

The Senate adopted the conference re-

port (thus sending it to the President) on October 8, 2009 by a vote of 76-22 (Roll Call 318). We have assigned pluses to the "nays" because federal aid to farmers and federal food aid to individuals are not authorized by the Constitution.

**19 Energy-Water Appropriations.** The final version (conference report) of this 2010 spending bill (H.R. 3183) to appropriate \$34 billion for energy and water projects is described in House vote #17.

The Senate adopted the conference report (thus sending it to the President) on October 15, 2009 by a vote of 80-17 (Roll Call 322). We have assigned pluses to the "nays" because the Department of Energy is not authorized by the Constitution.

**20 Interior-Environment Appropriations.** The final version (conference report) of the \$32.3 billion Interior-Environment appropriations bill for fiscal 2010 (H.R. 2996) is described in House vote #19.

The Senate adopted the conference report (thus sending it to the President) on October 29, 2009 by a vote of 72-28 (Roll Call 331). We have assigned pluses to the "nays" because the majority of funding in the bill is unconstitutional and wasteful. ■



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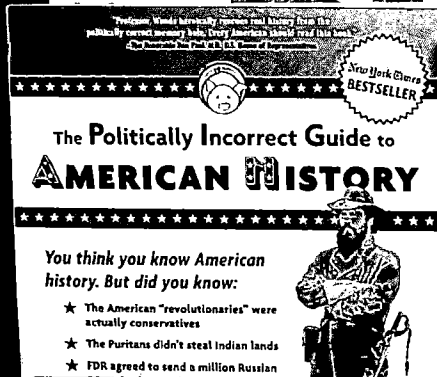
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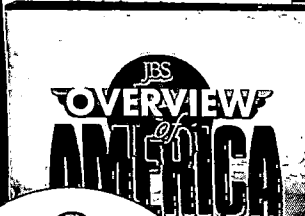
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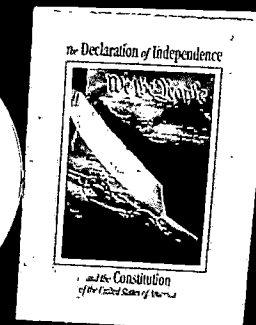
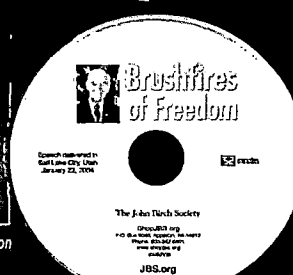


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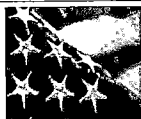
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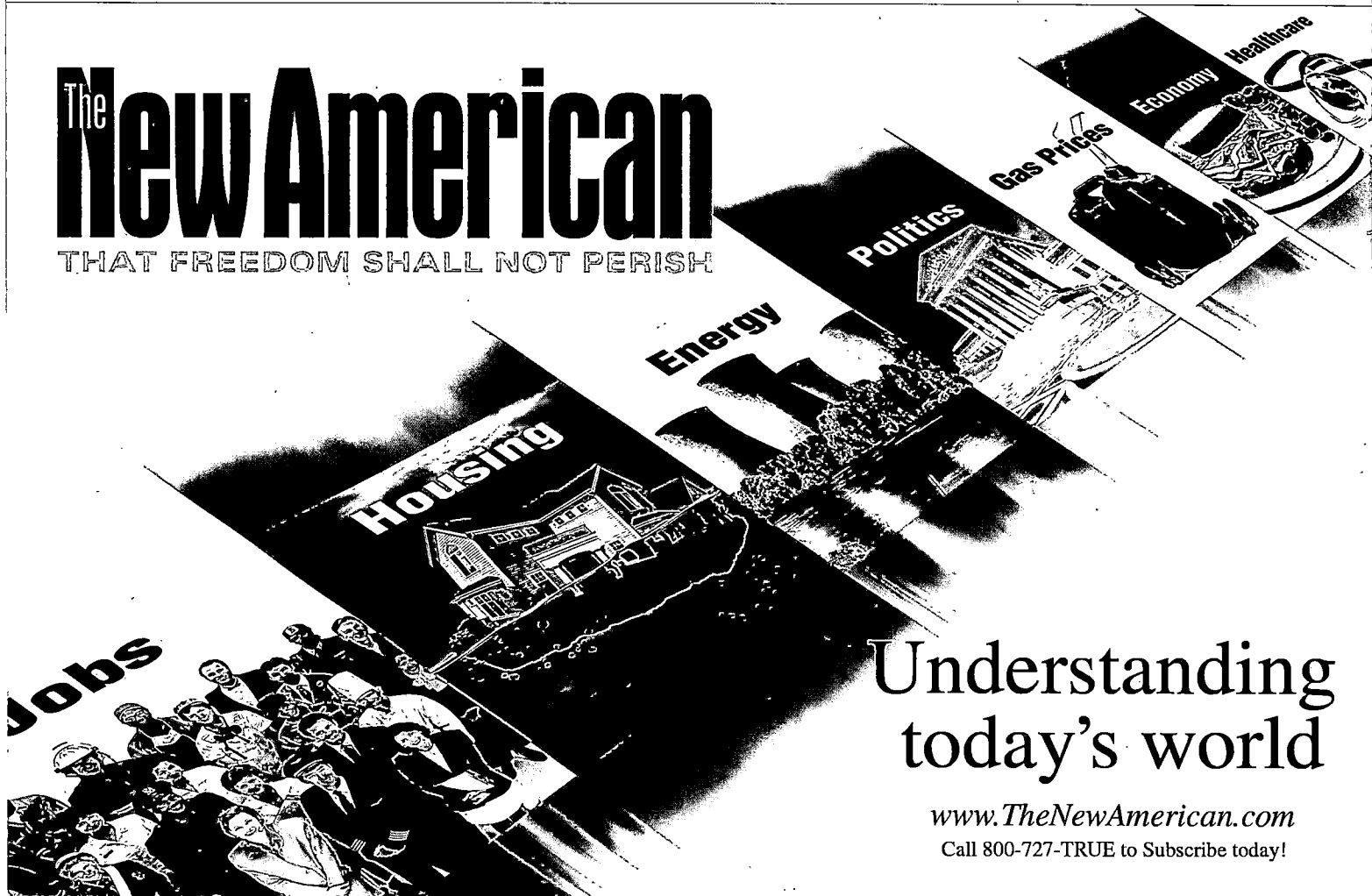


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# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB 1573-FN

**BILL TITLE:** discontinuing regional planning commissions and requiring the election of municipal planning board members.

**DATE:** January 23, 2014

**LOB ROOM:** 301

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL Interim Study (Please circle one.)

Moved by Rep. Roberts

Seconded by Rep. Copeland

Vote: 15-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** YES NO (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James P. Belanger, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

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BILL TITLE: discontinuing regional planning commissions and requiring the election of municipal planning board members.

DATE: 23 Jan 2014

LOB ROOM: 301

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

ROBERTS

Seconded by Rep.

COPELAND

Vote: 15-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

NO  
Consent

CONSENT CALENDAR VOTE, ~~YES~~ NO (please circle one)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James P. Belanger, Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/10/2014 11:50:38 AM  
Roll Call Committee Registers  
Report

2014 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 1573 FN Title: \_\_\_\_\_

PH Date: 16 Jan 2014

Exec Session Date: 23 Jan 2014

Motion: ITL

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Porter, Marjorie A, Chairman	✓	
Tatro, Bruce L, V Chairman	✓	
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Carson, Clyde J	✓	
Enman, Larry S		
Lavender, Tom		
Malloy, Dennis J	✓	
Vail, Suzanne M		
Verschueren, James	✓	
White, Syndi G		
Stroud, Kathleen M	✓	
Lockwood, Priscilla P	✓	
Belanger, James P, Clerk	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Shackett, Jeffrey S		
Bishop, Franklin C	✓	
Bickford, David A	✓	
Danielson, David J	✓	
TOTAL VOTE:		

15

0

# Committee Report

# REGULAR CALENDAR

January 28, 2014

## HOUSE OF REPRESENTATIVES

### REPORT OF COMMITTEE

The Committee on MUNICIPAL AND COUNTY

GOVERNMENT to which was referred HB1573-FN,

AN ACT discontinuing regional planning commissions and requiring the election of municipal planning board members. Having considered the same, report the same with the following Resolution: RESOLVED, That it is INEXPEDIENT TO LEGISLATE.

Rep. Kris E Roberts

FOR THE COMMITTEE

## COMMITTEE REPORT

Committee:	MUNICIPAL AND COUNTY GOVERNMENT
Bill Number:	HB1573-FN
Title:	discontinuing regional planning commissions and requiring the election of municipal planning board members.
Date:	January 28, 2014
Consent Calendar:	NO
Recommendation:	INEXPEDIENT TO LEGISLATE

### STATEMENT OF INTENT

HB 1573 has come before this committee in numerous forms over the past several sessions. This time we heard testimony that Regional Planning Commissions are tools of the United Nations and its Agenda 21, and that the RPCs , by conforming to the Department of Housing and Urban Development standards, are violating our local property rights.

Membership in a Regional Planning Commission is entirely voluntary. No community is forced to join or required to remain a member.

Very few communities in New Hampshire have the financial and personnel resources to adequately address their long-range planning needs. Furthermore, many planning needs, such as brownfields, flood control, transportation, housing, etc exist far beyond the local borders, requiring cooperation between communities. Additionally, RPCs provide in-depth and valuable information communities need when applying for state or federal funding, ensuring that New Hampshire tax dollars are returned to the state to meet our local needs. Regional Planning Commissions serve an important function in the state; abolishing them would be foolhearty.

Vote 15-0.

Rep. Kris E Roberts  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

Original: House Clerk  
Cc: Committee Bill File

## REGULAR CALENDAR

### MUNICIPAL AND COUNTY GOVERNMENT

**HB1573-FN**, discontinuing regional planning commissions and requiring the election of municipal planning board members. **INEXPEDIENT TO LEGISLATE.**

Rep. Kris E Roberts for MUNICIPAL AND COUNTY GOVERNMENT. HB 1573 has come before this committee in numerous forms over the past several sessions. This time we heard testimony that Regional Planning Commissions are tools of the United Nations and its Agenda 21, and that the RPCs , by conforming to the Department of Housing and Urban Development standards, are violating our local property rights.

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**Vote 15-0.**

Original: House Clerk

Cc: Committee Bill File

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