LEGISLATIVE COMMITTEE MINUTES

SB87

Bill as Introduced

SB 87 - AS INTRODUCED

2021 SESSION

21-0870 11/10

SENATE BILL

87

AN ACT

adopting omnibus legislation relative to municipal finance.

SPONSORS:

Sen. Birdsell, Dist 19

COMMITTEE:

Election Law and Municipal Affairs

ANALYSIS

This bill adopts legislation relative to:

I. The expenditure of water funds. Birdsell

II. Uncollectible financial remittances to municipalities. Carson

III. The use of capital reserve funds. Bradley

IV. Requiring the issuance of certain bonds to be included in the official ballot. Bradey

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty One

AN ACT

31

adopting omnibus legislation relative to municipal finance.

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

1	1 Sponsorship. This act consists of the following proposed legislation:
2	Part I. LSR 21-0870, relative to the expenditure of water funds, sponsored by Sen. Birdsell,
3	Prime/Dist. 19.
4	Part II. LSR 21-0958, relative to uncollectible financial remittances to municipalities,
5	sponsored by Sen. Carson, Prime/Dist. 14.
6	Part III. LSR 21-0983, relative to the use of capital reserve funds, sponsored by Sen.
7	Bradley, Prime/Dist. 3.
8	Part IV. LSR 21-0985, relative to the issuance of certain bonds to be included in the official
9	ballot, sponsored by Sen. Bradley, Prime/Dist. 3.
10	2 Legislation Enacted. The general court hereby enacts the following legislation:
11	PART I
12	Relative to the Expenditure of Water Funds.
13	1 New Paragraph; Water Funds. Amend RSA 38:29 by inserting after paragraph I the following
14	new paragraph:
15	I-a. The funds received from the collection of water wheeling charges, below the threshold
16	for regulation by the public utilities commission, derived from intermunicipal agreements, by
17	municipalities governed under RSA 49-D:3, I shall be dedicated to the maintenance and upkeep of
18	the portions of the water system necessary to fulfill the intermunicipal agreement. In no case shall
19	less than 50 percent of the funds received be expended for this purpose and pursuant to RSA 38:28.
20	Upon the approval of the legislative body of the municipality, any remaining funds may be expended
21	for the following purposes:
22	(a) Pursuant to RSA 38:28.
23	(b) For the acquisition, construction, payment of the interest on any debt incurred,
24	management, maintenance, operation, and repair of sewer systems, or construction, enlargement, or
25	improvement of such systems.
26	(c) Capital reserve funds of the water or sewer system.
27	(d) For the expansion or replacement of natural gas lines or systems, by a municipal gas
2 8	system or gas provider regulated by the public utilities commission.
29	(e) For the purposes set forth in RSA 162-G:4.
30	(f) For the purposes set forth in RSA 162-K:6, III and RSA 162-K:8.

2 Effective Date. Part I of this act shall take effect 60 days after its passage.

SB 87 - AS INTRODUCED - Page 2 -

1	PART II			
2	Relative to Uncollectible Financial Remittances to Municipalities.			
3	1 Collection of Taxes; Uncollectable Remittances. Amend RSA 80:56 to read as follows:			
4	80:56 Uncollectible [Cheeks] Remittances. Whenever any [cheek] remittance, whether by			
5	check or electronic means, issued to a city or town for the payment of taxes, permit fees, licenses,			
6	special assessments, water or sewer bills, for any combination of these or for any other municipal			
7	services is returned to the city or town official as un collectible, the city or town shall charge a fee of			
8	\$25 plus all protest, bank, and legal fees in addition to the amount of said [eheek] remittance to the			
9	person who [issued] made such [eheek] remittance to cover the cost of collecting the debt that the			
10	[eheek] remittance was [issued] to pay. The \$25 fee together with any protest or legal fees collected			
11	shall be for the use of the city or town.			
12	2 Effective Date. Part II of this act shall take effect 60 days after its passage.			
13	PART III			
L4	Relative to the Use of Capital Reserve Funds.			
15	1 Capital Reserve Funds; Expenditures; Lease/Purchase Agreements. Amend RSA 35:15, III to			
16	read as follows:			
17	III.(a) Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2,			
18	capital reserve funds may be used for multiple payments under a financing agreement for the			
19	purpose for which the capital reserve was established, including a lease/purchase agreement. [H			
20	the financing agreement is a lease/purchase agreement the following shall apply:			
21	(1) The lease/purchase agreement does not contain an "escape clause" or "non-			
22	appropriation clause"; and			
23	(2) The lease/purchase agreement has been ratified by the legislative body by a vote			
24	by ballot of 2/3 of all the voters present and voting at an annual or special meeting.			
25	(b) If agents have been named according to RSA 35:15, then no further vote is required			
26	to disburse funds following the initial vote which ratified the financing agreement.			
27	2 Effective Date. Part III of this act shall take effect 60 days after its passage.			
28	PART IV			
29	Requiring the Issuance of Certain Bonds to be Included in the Official Ballot.			
30	1 Municipal Finance Act; Town or District Bonds or Notes. Amend RSA 33:8 to read as follows:			
31	33:8 Town or District Bonds or Notes. Except as otherwise specifically provided by law, the			
32	issue of bonds or notes by any municipal corporation, except a city or a town which has adopted a			
33	charter pursuant to RSA 49-B, without a budgetary town meeting, shall be authorized by a vote by			
34	ballot of 3/5 and the issue of tax anticipation notes, by a vote of a majority, of all the voters present			
35	and voting at an annual or special meeting of such corporation, called for the purpose. Any bond or			
36	note issue exceeding \$1,000,000 shall be included on the official ballot of a school district			
37	or municipality which has adopted official ballot voting under RSA 40:13 and as provided			

SB 87 - AS INTRODUCED - Page 3 -

under RSA 33:8-a, II and 39:3-d, IV and shall require passage by 2/3 of voters present and 1 2 The issue of notes or bonds by a municipality that has adopted an optional form of legislative body under RSA 49-D:3, I-a or RSA 49-D:3, II-a shall be authorized by either a 2/3 or 3/5 3 vote as adopted and provided for in the charter. If such charter does not specify which majority vote 4 is required, then the required majority vote shall be [3/5] 2/3. Only votes in the affirmative or 5 negative shall be included in the calculation of any majority. No such action taken at any special 6 7 meeting shall be valid unless a majority of all the legal voters are present and vote at such special meeting, unless the governing board of any municipality shall petition the superior court for 8 permission to hold an emergency special meeting, which, if granted, shall give said special meeting 9 10 the same authority as an annual meeting. The warrant for a special meeting shall be published once in a newspaper having a general circulation in the municipality within one week after the posting of 11 such special meeting. The warrant for any such annual or special meeting shall be served or posted 12 at least 14 days before the date of such special meeting. Every warrant shall be deemed to have 13 been duly served or posted, if the return on the warrant shall so state, and it shall be certified by the 14 officer or officers required to serve or post the same. All bonds or notes, authorized in accordance 15 with this chapter, shall be signed by the governing board, or a majority of the governing board, and 16 countersigned by the treasurer of the municipality, and shall have the corporate seal, if any, affixed 17 to it. The discretion of fixing the date, maturities, denominations, the interest rate, or discount rate 18 in the case of notes, the place of payment, the form and other details of said bonds or notes and of 19 providing for the sale of such bonds or notes, may be delegated to the governing board or to the 20 21 treasurer and shall, to the extent provision therefor shall not have been made in the vote authorizing the same, be deemed to have been delegated to the governing board. Bonding authority under this 22 section may be limited or rescinded as provided in RSA 33:8-f. 23

2 Procedure for Authorizing Bonds or Notes in Excess of \$100,000. Amend RSA 33:8-a, II to read as follows:

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II. All articles appearing in the warrant which propose a bond or note issue exceeding \$100,000 shall appear in consecutive numerical order and shall be acted upon prior to other business except the election of officers, action on the adoption, revision, or amendment of a municipal charter, actions which propose a bond or note issue exceeding \$1,000,000, and zoning matters or as otherwise determined by the voters at the meeting. Polls shall remain open and ballots shall be accepted by the moderator on each such article, for a period of not less than one hour following the completion of discussion on each respective article. A separate ballot box shall be provided for each bond article to be voted upon pursuant to this section.

3 Placement of Articles on Official Ballot. Amend RSA 39:3-d, IV to read as follows:

IV. Articles concerning the issuance of bonds or notes shall not be placed on the official ballot, unless the municipality has adopted a charter provision authorizing that votes on the issuance of bonds or notes shall be placed on the official ballot or unless the municipality has

SB 87 - AS INTRODUCED - Page 4 -

- adopted the provisions of RSA 40:12-14. However, a bond or note issue exceeding \$1,000,000 for
- 2 a municipality or a district shall be included on the official ballot and shall require
- 3 passage by a 2/3 majority of voters present and voting.
- 4 Effective Date. Part IV of this act shall take effect 60 days after its passage.

SB 87 - AS AMENDED BY THE SENATE

03/11/2021 0584s

2021 SESSION

21-0870 11/10

SENATE BILL

87

AN ACT

adopting omnibus legislation relative to municipal finance.

SPONSORS:

Sen. Birdsell, Dist 19

COMMITTEE:

Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The expenditure of water funds.

II. Uncollectible financial remittances to municipalities.

III. The use of capital reserve funds.

Explanation:

Matter added to current law appears in bold italics.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

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1	1 Sponsorship. This act consists of the following proposed legislation:			
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5	sponsored by Sen. Carson, Prime/Dist. 14.			
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8	2 Legislation Enacted. The general court hereby enacts the following legislation:			
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12	new paragraph:			
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14	for regulation by the public utilities commission, derived from intermunicipal agreements, by			
15	municipalities governed under RSA 49-D:3, I shall be dedicated to the maintenance and upkeep of			
16	the portions of the water system necessary to fulfill the intermunicipal agreement. In no case shall			
17	less than 50 percent of the funds received be expended for this purpose and pursuant to RSA 38:28.			
18	Upon the approval of the legislative body of the municipality, any remaining funds may be expended			
19	for the following purposes:			
20	(a) Pursuant to RSA 38:28.			
21	(b) For the acquisition, construction, payment of the interest on any debt incurred,			
22	management, maintenance, operation, and repair of sewer systems, or construction, enlargement, or			
23	improvement of such systems.			
24	(c) Capital reserve funds of the water or sewer system.			
25	(d) For the expansion or replacement of natural gas lines or systems, by a municipal gas			
26	system or gas provider regulated by the public utilities commission.			
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29	2 Effective Date. Part I of this act shall take effect 60 days after its passage.			
30	PART II			
31	Relative to Uncollectible Financial Remittances to Municipalities.			

SB 87 - AS AMENDED BY THE SENATE - Page 2 -

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1 Collection of Taxes; Uncollectable Remittances. Amend RSA 80:56 to read as follows: 80:56 Uncollectible [Checke] Remittances. Whenever any [check] remittance, whether by check or electronic means, issued to a city or town for the payment of taxes, permit fees, licenses. special assessments, water or sewer bills, for any combination of these or for any other municipal services is returned to the city or town official as un collectible, the city or town shall charge a fee of \$25 plus all protest, bank, and legal fees in addition to the amount of said [eheek] remittance to the person who [issued] made such [check] remittance to cover the cost of collecting the debt that the [check] remittance was [issued] to pay. The \$25 fee together with any protest or legal fees collected shall be for the use of the city or town. 2 Effective Date. Part II of this act shall take effect 60 days after its passage. PART III Relative to the Use of Capital Reserve Funds. 1 Capital Reserve Funds; Expenditures; Lease/Purchase Agreements. Amend RSA 35:15, III to read as follows: III.(a) Notwithstanding the prohibition of debt retirement fund establishment in RSA 33:2, capital reserve funds may be used for multiple payments under a financing agreement for the purpose for which the capital reserve was established, including a lease/purchase agreement. [H the financing agreement is a lease/purchase agreement the following shall apply: (1) The lease/purchase agreement does not contain an "escape clause" or "nonappropriation-clause"; and-(2) The lease/purchase agreement has been ratified by the legislative body by a vote by ballot of 2/3 of all the voters present and voting at an annual or special meeting.] (b) If agents have been named according to RSA 35:15, then no further vote is required to disburse funds following the initial vote which ratified the financing agreement.

2 Effective Date. Part III of this act shall take effect 60 days after its passage.

SB 87 - VERSION ADOPTED BY BOTH BODIES

03/11/2021 0584s

2021 SESSION

21-0870 11/10

SENATE BILL

87

AN ACT

adopting omnibus legislation relative to municipal finance.

SPONSORS:

Sen. Birdsell, Dist 19

COMMITTEE:

Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The expenditure of water funds.

II. Uncollectible financial remittances to municipalities.

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21-0870 11/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

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1

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27	(e) For the purposes set forth in RSA 162-G:4.
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29	2 Effective Date. Part I of this act shall take effect 60 days after its passage.
30	PART II
31	Relative to Uncollectible Financial Remittances to Municipalities.

SB 87 - VERSION ADOPTED BY BOTH BODIES - Page 2 -

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CHAPTER 105 SB 87 - FINAL VERSION

03/11/2021 0584s

2021 SESSION

21-0870 11/10

SENATE BILL

87

AN ACT

adopting omnibus legislation relative to municipal finance.

SPONSORS:

Sen. Birdsell, Dist 19

COMMITTEE:

Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill adopts legislation relative to:

I. The expenditure of water funds.

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03/11/2021 0584s 21-0870 11/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT adopting omnibus legislation relative to municipal finance.

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

1	105:1 Sponsorship. This act consists of the following proposed legislation:				
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30	PART II				

CHAPTER 105 SB 87 - FINAL VERSION - Page 2 -

I	Relative to Uncollectible Financial Remittances to Municipalities.
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L4	105:1 Capital Reserve Funds; Expenditures; Lease/Purchase Agreements. Amend RSA 35:15,
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23	by ballot of 2/3 of all the voters present and voting at an annual or special meeting.]
24	(b) If agents have been named according to RSA 35:15, then no further vote is required
25	to disburse funds following the initial vote which ratified the financing agreement.
	105:2 Effective Date. Part III of this act shall take effect 60 days after its passage.

Approved: July 01, 2021 Effective Date:

Part I shall take effect August 30, 2021 Part II shall take effect August 30, 2021 Part III shall take effect August 30, 2021

Amendments

Election Law and Municipal Affairs
March 2, 2021
2021-0584s
11/08

Amendment to SB 87

1	Amend the bill by replacing section 1 with the following:
2	
3	1 Sponsorship. This act consists of the following proposed legislation:
4	Part I. LSR 21-0870, relative to the expenditure of water funds, sponsored by Sen. Birdsell
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9	Bradley, Prime/Dist. 3.
10	
11	Amend the bill by deleting Part IV.

Amendment to SB 87 - Page 2 -

2021-0584s

AMENDED ANALYSIS

This bill adopts legislation relative to:

- I. The expenditure of water funds.
- II. Uncollectible financial remittances to municipalities.
- III. The use of capital reserve funds.

Committee Minutes

SENATE CALENDAR NOTICE Election Law and Municipal Affairs

Sen James Gray, Chair Sen Regina Birdsell, Vice Chair Sen Ruth Ward, Member Sen Donna Soucy, Member Sen Rebecca Perkins Kwoka, Member

Date: February 17, 2021

HEARINGS

Monday 03/01/2021

Election Law and Municipal Affairs REMOTE 9:00 a.m.

(Name of Committee) (Place)

9:00 a.m. SB 87 adopting omnibus legislation relative to municipal finance.

9:30 a.m. SB 90 adopting omnibus legislation on redistricting.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

- 1. Link to Zoom Webinar: https://www.zoom.us/j/93775337004
- 2. To listen via telephone: Dial(for higher quality, dial a number based on your current location):
- $1\text{-}301\text{-}715\text{-}8592, \text{ or } 1\text{-}312\text{-}626\text{-}6799 \text{ or } 1\text{-}929\text{-}205\text{-}6099, \text{ or } 1\text{-}253\text{-}215\text{-}8782, \text{ or } 1\text{-}346\text{-}248\text{-}7799, \text{ or } 1\text{-}669\text{-}900\text{-}2333}$
- 3. Or iPhone one-tap: US: 13017158592, 93775337004# or 13126266799, 93775337004#
- 4. Webinar ID: 937 7533 7004
- 5. To view/listen to this hearing on YouTube, use this link:

https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA

6. To sign in to speak, register your position on a bill and/or submit testimony, use this link: http://gencourt.state.nh.us/remotecommittee/senate.aspx

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 87

Sen. Birdsell

SB 90

Sen. Perkins Kwoka

Tricia Melillo 271-3077

<u>James P. Gray</u> Chairman

Senate Election Law and Municipal Affairs Committee

Tricia Melillo 271-3077

SB 87, adopting omnibus legislation relative to municipal finance.

Hearing Date:

March 1, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent: None

Bill Analysis:

This bill adopts legislation relative to:

- I. The expenditure of water funds.
- II. Uncollectible financial remittances to municipalities.
- III. The use of capital reserve funds.
- IV. Requiring the issuance of certain bonds to be included in the official ballot.

Sponsors:

Sen. Birdsell

Who supports the bill: Senator Regina Birdsell, Senator Jeb Bradley, Senator Sharon Carson, Frederick Van Magness, William Herman, David Caron, Katherine Harmon

Who opposes the bill: Part IV Cordell Johnston, Valerie Chase, Cindy Kudlik, Sasha Dube, Janet Lucas, Tom Gloudemans, Stephanie Hubert

Who is neutral on the bill: Tammy St. Gelais

Summary of testimony presented in support:

Part I - Senator Regina Birdsell

- This part of the bill was a request from the Town of Derry.
- They are a conduit for the water coming to the southern portion of New Hampshire.
- It allows no less than 50% of the proceeds from the water funds coming in to be used for the maintenance of the system.
- It also allows some of the revenues from the water system to be used for economic development in the town.

Part II - Senator Sharon Carson

- This part of the bill was filed at the request of a constituent in Auburn.
- It amends the current statute to enable municipalities to collect a fee for any financial remittance issued to the municipality that is returned as uncollectable.
- Current law, RSA 80:56, only provides the ability to collect a fee on checks that are returned.
- No other form of financial remittance is identified in this statute.
- With more and more services being conducted through online transactions, payments for services are being made by means other than paper checks.
- Financial transactions can be made by ACH, EFT, CC payments and other means.
- Despite the convenience they are not fool proof and can be returned as uncollectable in the same manner that a check can be.
- Many municipalities have learned this in the past year as they have had to transition to online services as a result of COVID.
- The suggestion is that we broaden RSA 80:56 to enable towns to collect a fee for any form of payment that is returned.
- The NHMA has endorsed this change and adopted it during their annual legislative policy conference.

Part III - Senator Jeb Bradley

- This part deals with capital reserve funds and was a request from the town of Sandwich.
- It had passed easily in the Senate last year but due to COVID did not go forward.

Part IV - Senator Jeb Bradley

- This part was brought to him by a constituent in Moultonborough.
- It requires that any bond issue greater than one million dollars needs to put on the official ballot instead of voted on at town meeting if you are not an SB 2 town.
- The concern of his constituents was that given COVID, if there is difficulty attending in person meetings, a bond of this size should have an official ballot vote.
- He agrees with that and it allows for greater transparency and accountability, as well as participation by the voters.
- There was some question with the way it was written regarding having a certain majority to pass and may be something the Committee wants to look at.

William Herman - Town Administrator, Auburn - Part II

- This is an issue that Town Clerks have been dealing with.
- There have been electronic financial transactions that do not go through.
- They think of this part as a housekeeping bill to modify current statute.

David Caron - Town Administrator, Derry - Part I

 Passage of this part of the bill will assist the Town of Derry with meeting its economic development goals.

- A few years ago, the Department of Environmental Service requested that the Town of Derry participate in the Southern NH Regional Water Interconnection Project.
- This project provides water generated by the Manchester Water Works to communities south and east of Derry.
- Derry's robust water system infrastructure is now used to covey water from Manchester to points south.
- State fiscal policy requires municipalities to rely on its property tax base to fund a majority of local services.
- As this Inter-municipal water project was developed, Derry looked for opportunities to ensure that the town would not be adversely impacted economically by its participation.
- RSA 38 currently restricts all revenues to the water fund as it never contemplated a
 project such as this.
- This bill will allow the Town of Derry to further expand its economic development opportunities by investing in various initiatives.
- The towns first priority and obligation will be to continue to guarantee that the water system has the resources necessary to both perform under the Intermunicipal Agreement and to protect the system's integrity.
- This bill will benefit both the Derry property taxpayers and the water customers.

Frederick Van Magnus - Part IV

- He asked Senator Bradley to submit this legislation making changes to RSAs 33 and 39, requiring towns and schools place all bond articles over one million dollars on the Official Ballot.
- These changes would not affect smaller bonding decisions that will continue to be handled as a part of Town Meeting.
- The election of local public officials or changes in zoning, both of which impact an entire community, are always on an Official Ballot.
- In non SB 2 towns, all bonding transactions are determined in Town Meeting where only a small portion of the total taxpayer base is in attendance.
- Unlike annual budget or fiscal year decisions made at Town Meeting, bond article
 decisions have long term impacts on everyone, and they should be on the Official Ballot.
- Existing RSAs can disenfranchise numerous resident voters who may not be able to attend Town Meeting.
- This became very evident during this past year with COVID.
- Currently, many people are excluded from decisions that affect their wallets long-term.
- An Official Ballot vote would allow for broad participation by the entire community.
- Bonding is a long term obligation of taxpayers in towns or school districts so placing items over one million dollars on the Official Ballot is reasonable and equitable.

Summary of testimony presented in opposition:

Cordell Johnston - NH Municipal Association

- They are in support of parts 1-3 of the bill but are in strong opposition to part IV.
- This part will require a 2/3rds vote rather than 3/5ths vote for any bond article over one million dollars.
- This will cause confusion to have one threshold for a bond under a million dollars and another threshold for a bond over a million dollars.

- This would also be a change in SB 2 towns, as they have always had 3/5ths for all bonds.
- Their biggest concern is the provision that would require bonds over one million dollars be voted on, on the Official Ballot, even in towns that have a traditional Town Meeting.
- That is a real problem because it will take away any ability for the voters to debate or amend the bond article.
- If there is a bond article for 1.5 million dollars and the voters believe it can be accomplished for 1.3 million dollars, currently, at the Town Meeting they can amend the number down to 1.3 million dollars.
- If part IV is passed debate would never happen, and amendments cannot be made.
- The selectmen would be deciding alone what goes on the ballot and the voters would have no ability to affect that.
- He understands the hardship of getting to Town Meeting, but for those that would like everything on the Official Ballot, they can adopt the SB 2 form of Town Meeting.
- This would be a significant problem to take the ability to debate and amend away from the Town Meeting.

Frederick Van Magnus - In Response

- All bond articles are required to have a specific public hearing with notice in the newspaper.
- There is plenty of opportunity for the public to amend any portion of a bond article at that public hearing.
- In the NHMA paperwork it states that given the amount of scrutiny amendments to bond articles should be treated very conservatively.

TJM

Date Hearing Report completed: March 5, 2021

Speakers

ELECTION LAW AND MUNICIPAL AFFAIRS SB 87 3/1/2021

Name	Title	Representing	Position	Testifing
Van Magness	A Member of the			
Frederick	Public	Myself	Support	Yes
	A Member of the	-		
Herman William	Public	Town of Auburn	Support	Yes
	A Member of the			
Caron David	Public	Town of Derry	Support	Yes
		NH Municipal		
Johnston Cordell	A Lobbyist	Association	Neutral	Yes
		Senate District		
Birdsell Senator	An Elected	19 (Supporting	~	T T
Regina	Official	Part I)	Support	Yes
n 11 T 1	An Elected	Jeb Bradley SD 3		37
Bradley Jeb	Official	Part IV	Support	Yes
Carson Sharon	An Elected	SD 14 Part II	Support	Yes
Ci II i	A Member of the	7. T. 1.C.	0	No
Chase Valerie	Public	Myself	Oppose Neutral	No
St. Gelais Tammy	State Agency	Myself		No
Kudlik Cindy	An Elected A Member of the	Myself	Oppose	140
Dube Sasha	Public	Myself	Oppose	No
Dube Sasna	A Member of the	Wysen	Oppose	110
Harmon Katherine	Public	Myself	Support	No
Harmon Ramerine	A Member of the	11130011	Support	210
Lucas Janet	Public	Myself	Oppose	No
nacas sance	A Member of the	2/2/30/2	C P P T T	
Gloudemans Tom	Public	Myself	Oppose	No
C.20 TWO MANAGES & CAME	A Member of the	,		
Hubert Stephanie	Public	Myself	Oppose	No

Testimony



David R. Caron
Town Administrator
dcaron@derrynh.org

March 1, 2021

Honorable James Gray, Chair Election Law and Municipal Affairs Committee State House Room 100 Concord, NH 03301

RE: SB 87

By email to tricia.melillo@leg.state.nh.us

Dear Chair Gray and members of the Election Law and Municipal Affairs Committee,

I appreciate the opportunity to voice my support for SB 87, Part I, Relative to the Expenditure of Water Funds. Passage of this bill would assist the Town of Derry with meeting its economic development goals to the benefit of its residents and the residents of the State of New Hampshire.

The Town was approached by the Department of Environmental Services a few years ago seeking the Town's participation in the Southern New Hampshire Regional Water Interconnection Project, an ambitious program which now provides water generated by the Manchester Water Works to communities south and east of Derry. Derry's robust water system infrastructure is now used to convey water from Manchester to points south.

As we all know, State fiscal policy requires municipalities to rely upon its property tax base to fund a majority of local services. With this in mind, initially the Town Council was somewhat apprehensive to share one of its critical economic development tools, its water system, with the region, but also wanted to be a good neighbor and help ensure that an ample supply of clean, quality water was available to the region.

As the Intermunicipal Agreement governing this partnership was developed, the Town looked for opportunities to ensure that the Town would not be adversely impacted economically by its participation. During these discussions, the Town Council became comfortable with this partnership as we began to identify other economic development tools which may become available through the availability of wheeling revenues.

RSA 38, the statute governing water systems, currently restricts all revenues to the water fund, as it never contemplated such a project as this and its potential impact upon regional economic development. Passage of this bill would allow the Town to further expand its economic opportunities by investing in various initiatives, whether it be the extension of municipal sewer to areas of the Town currently not serviced, or by participating in the various economic development activities as authorized under the Industrial Land and Facilities statute as well as the Municipal Economic Development and Revitalization Districts statute.

Of course, the Town's first obligation and priority will continue to guarantee that our water system has the resources necessary to both perform under the Intermunicipal Agreement and to protect the system's integrity. It is envisioned that any excess funds would then be invested into the Town's economic development opportunities. This plan of action benefits both our water customers and the Derry property taxpayers, who have shared the Town's bond rating and capacity as well as other resources over the years to assist with the water system's growth, reliability and financial strength.

Again, thank you for the opportunity to offer comment on SB 87, Part I and I urge the Committee to support this initiative in recognition of the spirit of cooperation extended by the Town of Derry to the Southern New Hampshire Regional Water Interconnection Project.

Respectfully.

Town Administrator



TOWN OF AUBURN

February 23, 2021

Senator James Gray, Chair and Members of the Senate Election Law and Municipal Affairs Committee Statehouse, Room 100 Concord, NH 03301

RE: Senate Bill 87 - Adopting Omnibus Legislation Relative to Municipal Finance

Dear Chairman Gray and Members of the Election Law and Municipal Affairs Committee:

I am pleased to be able to write and express our support for the adoption of SB 87 – the omnibus legislation relative to municipal finance. We are particularly in support of Part II dealing with uncollectible financial remittances to municipalities.

Current law (RSA 80:56) only provides the ability for municipalities to charge a fee for checks returned to the city or town as uncollectible. No other form of financial remittance is identified in the current statute, which makes perfect sense for a statute originally adopted in 1977.

With more and more services being conducted by cities and towns through online transactions, payments for services are being made by methods other than paper checks. Financial transactions can be done by ACH transactions, electronic funds transfers (EFT), credit card payment and other electronic means. Despite the convenience of the electronic payments, they are not foolproof and can be returned as uncollectible in the same manner a check can. Many municipalities have learned this during the past year as we transitioned to more online services and transactions because of adjusting business practices to deal with the Covid-19 pandemic.

In conversation I had with Senator Carson, we discussed that it would be helpful to municipal governments if RSA 80:56 was amended to broaden the means of payments municipalities receive to enable us to collect a fee for any form of financial payment that may be returned as uncollectible.

As proposed, the amendment to RSA 80:56 that is contained as Part II of SB 87 is enabling legislation that would allow municipalities to collect fees for uncollectible financial remittances. It does not require a municipality to do so, although we believe it is a sound business practice to do so and not have the expense of these uncollectible remittances be borne by all taxpayers.

We believe this is a housekeeping item that will bring provisions of state statute into modern times and recognize the evolving manners in which individuals handle their finances and pay their bills.

In consideration of the thoughts expressed above, I encourage the members of the Senate Election Law and Municipal Affairs Committee to determine SB 87 as Ought to Pass.

Sincerely,

TOWN OF AUBURN

William G. Herman, CPM Town Administrator



March 1, 2021

Honorable James Gray, Chairman Senate Election Law and Municipal Affairs Committee State House Room 100 Concord, NH 03301

Via Electronic Mail Only

Re: SB 87, Part II, Uncollectible financial remittances to municipalities

Dear Chairman Gray and Committee Members:

I write to express the support of the New Hampshire Municipal Association for SB 187, Part II, relative to uncollectible financial remittances to municipalities. This legislation updates New Hampshire statutes and includes electronic remittances as a recognized form of payment, which may be returned to a municipality as uncollectible.

Municipalities are authorized to accept electronic payments (credit card, debit card, or other electronic transactions) under RSA 80:52-c. However, RSA 80:56, which requires a town or city to charge a \$25 fee for any checks which are returned to the town or city as uncollectible, does not likewise include electronic payments returned to a town or city as uncollectible. This bill amends the statute to include "any remittance type, whether made by check or electronic means," and requires that all payments returned to a town or city as uncollectible be subject to the \$25 fee.

In the absence of electronic payments being specifically identified as a payment type that can be returned as uncollectible, there has been uncertainty about whether returned electronic payments should be subject to the same fees as returned paper checks, causing inconsistency among municipalities' and their bill payers. This bill makes clear that all authorized payment types, not just payments made by check, shall be subject to the \$25 uncollectible fee, providing consistency in the treatment of all uncollectible payments. We ask that you please vote ought to pass on Part II of SB 87.

Respectfully submitted,

Becky I. Benvenuti

Government Finance Advisor

Becky Benvenuti

Senate Bill SB87 - Public Testimony March 1, 2021

Good Morning Mr. Chairman and Senators:

My name is Frederick Van Magness and I am a voting resident of Moultonborough, NH

I appreciate the opportunity to provide testimony in support of SB87 Part IV as drafted. I will be brief.

I have asked Senator Bradley to submit changes to RSA's 33 and 39 requiring that towns and schools place all bond articles over \$1 million dollars on the Official Ballot. However, the proposed changes would still allow smaller bonding decisions such as purchasing a fire truck or making road improvements totaling less than \$1 million dollars to continue to be handled as part of regular Town Meeting.

Consider for a moment the fact that the election of local public officials or changes in zoning, both of which impact an entire community, are always on an Official Ballot. But in non-SB2 towns, all bonding transactions are determined in Town Meeting where only a small portion of the total taxpayer base is in attendance. This just doesn't make sense. Unlike annual budget or fiscal year decisions made at Town Meeting, bond article decisions which have long term impacts on everyone should be on the Official Ballot so ALL voters have the opportunity to be heard. Existing RSAs can disenfranchise numerous resident voters who may not be able to attend Town Meeting. This certainly became evident during COVID when many did not attend Town Meeting due to health risks for them or their family. Things like work obligations, vacations, weddings and funerals, ill health and even bad weather prohibit voters from being able to be present to weigh in on large and long term bond questions. Currently many folks are excluded from these decisions that effect people's wallets long term. It doesn't matter whether a person is in favor or against a SIGNIFICANT bonding article. It cuts both ways. Not being able to be physically present at a specific time and date eliminates ANY chance to vote, period. An Official Ballot vote would allow for broad participation by the entire community. Remember: bonding is a long term obligation of taxpayers in towns or school districts, so placing bonding items over \$1 million dollars on the Official Ballot is reasonable AND equitable.

In summary, this legislation.....

- Allows for full accountability and representation for all voters.
- Costs absolutely nothing to do it.
- Is fiscally responsible and straight forward to implement.

But it does allow EVERY resident the opportunity to have a voice on SIGNIFICANT bonding decisions. I ask for the full committee's support to approve Part IV of SB87 in its entirety.

Thank you for your consideration of this matter.

Submitted by: Frederick Van Magness 37 Blackey Cove Road Moultonborough, NH 03254

Tricia Melillo

From:

Frederick Van Magness <fvanmagness@gmail.com>

Sent:

Monday, March 1, 2021 10:55 AM

To: Cc: Jeb Bradley; Senator Bradley Tricia Melillo; Shannon Girard

Subject:

SB87

Dear Senator Bradley,

Thank you for your unwavering support of SB87, PartIV. During testimony today by the NHMA, they brought up concern about the threshold for approval in RSA39:3-d,IV. In my requested changes to the RSA, I had noted that the threshold should be 3/5ths as this is what RSA 33:8 was previously amended to in 2020. However, the finally drafting in SB87 at the legislature changed the percent threshold, inn error in my opinion, to 2/3rd...the old requirement in RSA 33:8. I had no idea why this change was made as it was inconsistent with my request and i did not see a draft before SB87 was submitted, but I left it up to the folks who draft this stuff all the time.

Their concern was very valid as this change was confusing. It seems to me that a formal amendment to SB87 Part IV should be made in the drafted language in RSA 39:3-d IV to change the threshold from 2/3rds in the original draft back to 3/5th for consistency purposes, as we wee not making a further change in approval thresholds for bonding bills.

This would eliminate a concern from NH Municipal Association. I will submit more info concerning their other concern.

Sincerely,

Frederick Van Magness

Voting Sheets

Senate Election Law & Municipal Affairs Committee EXECUTIVE SESSION RECORD

2021 Session

			Bill SB 87	Omnibus
Hearing date:3-1-2021_			<u>. </u>	
Executive Session date:	3-1-2	11		
Motion of:)		Vote	:
Committee Member	Present	Made by	Second	Yes No
Sen. Gray, Chair				
Sen. Birdsell, Vice Chair	<u> </u>	<u> </u>		
Sen. Ward				
Sen. Soucy	<u> </u>		<u> </u>	□□
Sen. Perkins-Kwoka				
Motion of: Delete	Part	IV	Vote	: 5-0
Committee Member	Present_	Made by	Second	Yes No
Sen. Gray, Chair				
Sen. Birdsell, Vice Chair	<u>\</u>			
Sen. Ward				
Sen. Soucy				
Sen. Perkins-Kwoka				
Motion of: OT	<u> P/A</u> _		Vote	<u>: 5-0</u>
Committee Member	<u> Present</u>	Made by	Second	Yes No
Sen. Gray, Chair	<u>\</u>			
Sen. Birdsell, Vice Chair	<u> </u>			
Sen. Ward	<u> </u>			
Sen. Soucy	U			
Sen. Perkins-Kwoka	<u>V</u>			
Consent Moved	Scocy	and R	28 —	5-0
Reported out by: Sono	etcs E	Stedse	20	
Notes:				
				

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE FOR THE CONSENT CALENDAR

Monday, March 1, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred SB 87

AN ACT

adopting omnibus legislation relative to municipal finance.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF:

5-0

AMENDMENT # 0584s

Senator Regina Birdsell For the Committee

This Omnibus bill as amended has three parts. The first part will allow funds collected from water wheeling charges to be used for the maintenance and upkeep of the water system. Additionally, with the legislative bodies approval, it will allow expenditure of those funds for the purposes specified in the language of the bill. The second part of this legislation will amend RSA 80:56, to permit municipalities to charge a fee for remittance by electronic means that is not collectable. In part III of the bill, multiple payments under a financing agreement may come from the municipalities Capital Reserve Fund.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB87

Docket Abbreviations

Bill Title: adopting omnibus legislation relative to municipal finance.

Official Docket of **SB87.**:

Date	Body	Description
1/26/2021	S	<pre>Introduced 01/06/2021 and Referred to Election Law and Municipal Affairs; SJ 3</pre>
2/17/2021	S	Remote Hearing: 03/01/2021, 09:00 am; Links to join the hearing can be found in the Senate Calendar; SC 12
3/3/2021	S	Committee Report: Ought to Pass with Amendment #2021-0584s, 03/11/2021; Vote 5-0; CC; SC 14
3/11/2021	S	Committee Amendment #2021-0584s , RC 23Y-1N, AA; 03/11/2021; SJ 7
3/11/2021	S	Ought to Pass with Amendment 2021-0584s, RC 23Y-1N, MA; OT3rdg; 03/11/2021; SJ 7
3/17/2021	Н	Introduced (in recess of) 02/25/2021 and referred to Municipal and County Government HJ 4 P. 50
5/17/2021	н	Public Hearing: 05/17/2021 09:45 am Members of the public may attend using the following link: To join the webinar: https://www.zoom.us/j/91407870095 / Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.
5/27/2021	Н	Committee Report: Ought to Pass (Vote 19-0; CC) HC 26 P. 10
6/3/2021	Н	Ought to Pass: MA VV 06/03/2021 HJ 8 P. 81
6/25/2021	Н	Enrolled (in recess of) 06/24/2021
6/25/2021	S	Enrolled Adopted, VV, (In recess 06/24/2021); SJ 20
7/6/2021	S	Signed by the Governor on 07/01/2021; Chapter 0105
7/6/2021	S	Part I Effective 08/30/2021
7/6/2021	S	Part II Effective 08/30/2021
7/6/2021	S	Part III Effective 08/30/2021

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. NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill N	umber: 58 87 Senate Committee: ELMH
	include all documents in the order listed below and indicate the documents which have been ed with an "X" beside
X	Final docket found on Bill Status
Bill He	earing Documents: {Legislative Aides}
X	Bill version as it came to the committee
X	All Calendar Notices
X X X	Hearing Sign-up sheet(s)
X	Prepared testimony, presentations, & other submissions handed in at the public hearing
\mathbf{X}	Hearing Report
NA	Revised/Amended Fiscal Notes provided by the Senate Clerk's Office
Comm	uittee Action Documents: {Legislative Aides}
All am	endments considered in committee (including those not adopted):
	X - amendment # 05845 amendment #
. /	amendment # amendment #
X	Executive Session Sheet
Δ	Committee Report
Floor	Action Documents: {Clerk's Office}
All floo	or amendments considered by the body during session (only if they are offered to the senate):
	amendment # amendment #
	amendment # amendment #
Post F	'loor Action: (if applicable) {Clerk's Office}
	Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
	Enrolled Bill Amendment(s)
	Governor's Veto Message
All av	ailable versions of the bill: {Clerk's Office}
	as amended by the senate as amended by the house
	final version
Compl	leted Committee Report File Delivered to the Senate Clerk's Office By:
-	0/5/21
Comm	ittee Aide Date
	1/40
Senate Clerk's Office	