



# New Hampshire House of Representatives

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## SESSION ACCOMPLISHMENTS

In November, 2010, the New Hampshire House of Representatives received a mandate from the voters of New Hampshire to promote economic development and create jobs; to cut state spending; to reduce taxes and fees; to return fiscal sanity to the state; to fix a state retirement system that was structurally deficient; to provide our children with an education based on excellence; to protect the personal rights and freedoms of its citizens; and to maintain transparency in state government. Those mandates reflected our promises to New Hampshire. Listed here is a compilation of new laws the 2011-2012 New Hampshire House of Representatives passed keeping those promises.

### Setting an example for our citizens by “living within our means”:

- Passed a budget 11% smaller than the prior budget, reducing spending by over \$1.2 billion and general fund spending by \$536 million, or 18%. *(HBs 1&2)*
- Passed a state budget that includes no new or increased taxes or fees. *(HBs 1&2)*
- Reversed past two terms budgets’ accounting gimmicks by passing a budget that does not bond any operating costs or sell assets from one state agency to another to claim fictitious revenue, while using responsible revenue estimates. *(HBs 1&2)*
- The state returned \$1 million in ObamaCare funds to the federal government with instructions to use the money for debt reduction. *(HB 601)*
- Passed an education funding formula that maintains existing levels of aid to communities and allows additional targeted aid to needy cities and towns. *(HB 337)*
- Requires for future state budgets that state agencies to submit budgets that actually reduce spending in addition to any request to expand state government. *(SB 146)*

### Reducing and Reforming Taxes:

- Eliminated the auto registration surcharge, which was costing our residents and small businesses between \$30 and \$75 every year for each vehicle they registered, putting \$90 million back in our citizens’ pockets. *(HB 1&2)*
- To fulfill our commitment to reduce the highest business tax rate in the nation, new laws offer 10 forms of tax relief to employers to help them grow their business: including reforming the burden of proof for reasonable compensation, and doubling the carry-forward period for the BET. *(SB 125)*
- Two new statutes help our retailers, particularly those in border communities, become more competitive and grow: eliminating the gambling winnings tax and repealing the most recent of the four tobacco taxes in the past six years. *(HB 229 & HB 2)*
- The legislature also cut a number of fees on restaurants, hotels, motel, pet stores, fishing enthusiasts, those selling condominiums, and people getting married. *(HBs 2 & 571)*
- Cities and towns that are impacted by fire or other major acts of nature are now eligible for community revitalization tax relief to allow for the repair or rebuilding of damaged structures.

- Directed the Business Finance Authority to establish an innovation business job growth initiative to promote investment in New Hampshire employers and to coordinate venture capital with startups statewide. *(HB 605)*
- Increased the net operating loss carryforward under the business profits tax (BPT) from \$1 million to \$10 million, which reduces the tax burden on our businesses and makes our state more competitive in attracting and retaining employers. *(HB 242)*
- Extended the research and development tax credit encouraging businesses to continue to innovate, expand and create new jobs. *(HB 518)*
- Expanded the business enterprise tax (BET) exemption 33% and indexed the exemption for inflation. The BET is a payroll tax and reducing it provides a strong incentive for employers to create good, new jobs here. With this change, one third of New Hampshire businesses will not pay BET, and most of these will no longer have to incur the expense of filing. *(HB 1418)*
- Allowed businesses to apply BET credits quarterly, instead of annually, against their BPT, which will allow faster growth investments by New Hampshire's small businesses. *(HB 1221)*
- Increased the depreciation deduction for the business profits tax (BPT). *(HB 1418)*
- Eliminated the tax on internet services. *(HB 1418)*
- Established an education credit against the business profits tax for business organizations that contribute to scholarship organizations that award scholarships to be used by students to defray the educational expenses of attending an independent school. *(SB 372)*
- Eliminated the taxation of trusts under the interest and dividends tax to encourage more trust formation in New Hampshire. *(SB 326)*
- Put a constitutional amendment to ban any new taxes on personal income on the ballot in November, where, if it is supported by 2/3rd of the voters, a prohibition on income taxes will become part of the state constitution. *(CACR 13)*

## **Over 80 Bills Reducing Business & Consumer Regulatory Burdens & Putting Out the "Open for Business" Sign:**

- Reduced regulations on business and consumers allowing businesses to create more jobs for our neighbors. Specific bills passed lifted the government burden on the state's pharmacy technicians, barbers, developers, farmers, truck and bus owners and operators, community living facilities, OHRV and snowmobile operators, junkyard owners, landlords, builders, ginseng producers, oil and gas distributors, nano brewers, specialty beer manufacturers, homestead food producers, telephone service providers, limited liability corporations (LLCs), health care sharing organizations, and municipal culvert installers. *(HBs 26, 30, 95, 109, 117, 133, 137, 142, 143, 155, 171, 173, 222, 234, 247, 248, 262, 276, 289, 291, 322, 325, 333, 381, 404, 408, 420, 441, 488, 503, 570, 651, 1127, 1171, 1208, 1231, 1296, 1307, 1378, 1380, 1434, 1585, 1618. SBs 235, 247, 250, 340.)*
- Repealed a number of outdated and unnecessary laws including: restrictions on the sale of oleomargarine, artificial flowers and miniature flags, a ban on the sale of stove polish, a number of unenforced election laws and the state minimum wage, which is made unnecessary by the federal minimum wage law. *(HBs 333, 142, 143, & 133)*
- Repealed New Hampshire's "card check" law and restored the secret ballot to state workers to decide whether they want to form a labor union. *(HB 589)*

- The Department of Labor is now required to warn employers before assessing fines for violations, developing a consultative approach, rather than adversarial.
- A new commission will review business regulations in New Hampshire to identify further areas to reduce the burden and make compliance simpler and less costly to employers. *(HB 248)*
- Passed legislation to create an innovation business job growth function in the New Hampshire Business Finance Authority to promote venture capital throughout the state. *(HB 605)*
- Allowed employers to set their tax years with their federal tax year. *(HB 1302)*
- Allowed town health officers to voluntarily assist other municipalities. *(HB 1349)*
- Revised notification and rulemaking procedures for home-educated pupils by giving home education advisory council an opportunity to comment on proposed rules. *(HB 545)*
- Helped local brewers by allowing the sale of nano brews at farmers markets. *(HB 1172)*
- Expanded the definition of specialty beers in New Hampshire to allow for ingredients such as, but not limited to, molasses, maple syrup, honey, spices, herbs, fruits, nuts, chocolate, vanilla, or other nonbeverage ingredients to help businesses like Redhook Brewery, who were forced to move manufacturing operations to Massachusetts because of stringent laws in New Hampshire. *(HB 1241)*
- Exempted service animals from dog registration and licensing, and established an option for permanent registration and licensing of service animals. *(HB 1362)*
- Exempted from licensing such homestead items as jam, jellies and cookies for sale from homes, farm stands or farmers' markets. *(HB 1402)*
- Allowed for shore land homeowners to repair, replace in kind, reconstruct in place, alter, or expand their homes or other structures on their property. *(HB 1484)*
- Lifted certain reporting mandates for home schooling programs and the authority of public school evaluations to terminate a homeschooling program. *(HB 1571)*
- Repealed the certificate of need law (CON) in three years to increase competition, reduce the cost of healthcare to individuals and businesses, and improve care. *(HB 1617)*
- Eliminated bureaucratic red tape individuals have to go through to get a permit to repair or shore up property that is regularly affected by storms and ice. Certain permits for repair will no longer expire and require renewal after five years. *(HB 1636)*
- Leveled the regulatory playing field for telephone service providers allowing the free market, not regulations, to dictate which companies gain or lose customers. *(SB 48)*
- Made the state's Limited Liability Company (LLC) Act more user-friendly for the current and next generation of small businesses. *(SB 203)*
- Passed medical sharing legislation designed for private, non-profit organizations designed to monthly share medical costs by allowing members to financially assist fellow participants with certain medical expenses exempt from the jurisdiction of the insurance commissioner. *(SB 245)*
- Relaxed laws on floats towed by recreational boats. *(SB 317)*

## **Protecting Local and County Property Taxpayers**

- A new law eliminates the "evergreen" requirement that all communities continue public employee contracts after they expire. *(SB 1)*

- The new education funding formula guarantees that all communities will have stability in education aid funding for the next two years by ensuring that they will maintain the same levels as last year. *(HB 337)*
- The legislature lifted a number of restrictions on communities and counties, including: making it easier to transfer funds, strengthen collective bargaining rights for cities and towns, allowing counties more investment opportunities, removing permit application waiting periods for town road work if it meets best practice standards, limiting local liability for dog bites, providing more flexibility for communities to appoint members to volunteer boards and giving communities a chance to adjust their school and municipal budgets based on education funding changes at the state level.
- Teachers will now wait five years, instead of three, before receiving tenure, giving schools more time to evaluate their performance to ensure that students get high quality instruction in classrooms. *(SB 196)*
- Removed the mandate that cities and towns have fences around public cemeteries. *(HB 382)*

### **Increasing Accountability:**

- Established a citizen's commission to conduct performance reviews for judges. *(HB 344)*
- Increase communications between state agencies—including Banking and Insurance, as well as the Bureau of Security Regulations—to help head off any future investment and Ponzi schemes aimed at stealing people's money and life savings like the Financial Resources Management (FRM) scandal. *(HB 102)*
- Required courts in criminal proceedings to allow the defense to inform juries of their right to judge the facts and the application of the law. *(HB 146)*
- Limited the rulemaking authority of the department of environmental services. *(HB 222)*
- Expanded citizens' administrative appeals rights at the department of environmental services. *(HB 256)*
- Blocked the state from implementing ObamaCare exchanges. *(HB 1297)*
- Privatized the McAuliffe-Shepard Center. *(HB 1274)*
- Blocked the state's participation in the low carbon fuel standards program (liquid RGGI) without prior legislative approval, which will save citizens on gas and oil costs. *(HB 1487)*
- Reformed the state's participation in the Regional Green House Gas Initiative (RGGI), a cap and trade program, returning money to ratepayers by lowering electric rates. *(HB 1490)*
- Restored the rights of individual taxpayers of a community to seek legal recourse against local government decisions. *(HB 1510)*
- Required police to provide the name of an arresting officer on arrest records. *(HB 1535)*
- Allowed state to garnish wages of those who received overpayment of unemployment. *(HB 1579)*
- Required welfare applicants to have their identity and financial information verified before receiving payments. *(HB 1658)*
- Reduced subsidies to renewable energy producers, saving ratepayers millions. *(SB 218)*
- Passed a voter photo ID bill to ensure integrity at the ballot box. *(SB 289)*
- Changed back law to require voter registration forms include state laws about responsibility. *(SB 318)*
- Passed law to allow early offers for medical injury claims. *(SB 406)*

- Passed a constitutional amendment, which will go on the November ballot, to provide legislative oversight of court rules. *(CACR 26)*

### **Increasing Transparency and Open Government:**

- Passed a bill to open up records of annulments of crimes. *(HB 82)*
- Passed legislation to post agency spending information on state website. *(HB 331)*
- Passed a bill to allow access to accident reports involving publicly owned vehicles. *(HB 347)*
- Passed legislation to have state government use open source software. *(HB 418)*
- Persons petitioning the commissioner of Safety requesting a change of use or restriction of the use of any public waters must notify neighbors of the request. *(HB 342)*
- Required state agencies to consider open source software, promoted the use of open data formats by state agencies, and directed the commissioner of information technology to develop a statewide information policy based on principles of open government data. *(HB 418)*
- Increased transparency standards requirements for the state transparency website oversight committee. *(HB 449)*
- Allowed the negotiator for each party to talk directly, in a closed session, to the board of the public employer or to the employees, respectively, the collective bargaining process. The benefit to the negotiating parties is that legal costs may be reduced if this direct communication breaks impasses and enables the parties to reach agreement without having to go through mediation and fact-finding. *(HB 582)*
- Allowed parents access to unique pupil ID and date for their children. *(HB 1139)*
- Towns may include tax impact on special warrant articles. *(HB 1170)*
- Strengthened penalties under Right to Know law violations. *(HB 1223)*
- Required public access to any document and Internet content that is incorporated by reference in administrative rules. *(HB 1448)*
- Expanded reporting of dedicated fund balances. *(HB 1552)*
- Required the legislative ethics committee to make committee records, rules, and guidelines available on the website maintained by the committee. *(HB 1623)*
- Allowed communities to require tallies of school district warrant articles. *(HB 1633)*
- Passed a bill requiring the attorney general to submit regular reports on election complaints to the general court. *(HB 1673)*
- Required all contracts entered into by the state as a result of requests for proposals to be posted on the state transparency website. *(HB 1686)*
- Expanded salary information for state employees on the transparency website. *(HB 1687)*
- Extends the Right to Know law to libraries. *(SB 214)*
- Required Public Utilities Commission contracts to be approved by the governor and council. *(SB 256)*
- Passed a bill requiring notification of exposure to infectious diseases. *(SB 281)*

### **Strengthening Property Rights:**

- Established a commission to investigate procedural rights of landowners when a petition is presented to the public utilities commission by a utility seeking eminent domain, develop a

framework for the state to provide use rights to transmission developers on state owned rights-of-way, develop policies to encourage burying such lines where practicable, and establish a structure for payment. *(HB 648)*

- Established a statute of limitations on wetlands filling and dredging. *(HB 1233)*
- Blocked conservation commissions from entering private land without permission. *(HB 1541)*
- Blocked taking of personal property during a state of emergency. *(HB 574)*
- Clarified rules for liability of timber tax. *(HB 1207)*
- Passed a bill allowing property owners to hire outside contractors for power line work on their property. *(HB 1346)*
- Passed a bill protecting landowners from lawsuits of those on their property for recreational purposes such hunting or snowmobiling. *(HB 1551)*
- Made property owners of small lots exempt from department of environmental services approval for replacing or modifying sewage systems. *(HB 1721)*
- Passed a bill requiring municipalities notify all property owners if the community wants to designate lands as "prime wetlands." *(SB 19)*
- Extended terrain alteration permits. *(SB 241)*
- Passed a bill requiring a property owner's consent to install smart meters on their property. *(SB 266)*
- Passed a bill to allow property owners to sue for legal fees when they survive frivolous accessibility lawsuits. *(SB 359)*
- Passed a bill allowing for pro-rating of abatement for buildings that are heavily damaged. *(SB 382)*

### **Increasing Personal Freedoms:**

- Passed a bill to ensure that students are not forced to attend schools teaching material that parents find objectionable. *(HB 542)*
- Passed a bill to outlaw preferences in hiring or promotion in state agencies based on race, sex, religion or sexual preferences, leveling the playing field for all individuals to succeed based on merit. *(HB 623)*
- Passed a bill protecting a student's freedom of association. *(HB 1417)*
- Expanded the violations of privacy law. *(HB 1537)*
- Decriminalized firearm possession in Fish and Game refuges. *(HB 1555)*
- Passed a bill allowing sheriffs to issue permits in areas with no police chief. *(HB 1246)*
- Passed a bill that requires probable cause for Fish and Game officers to make an arrest. *(HB 1332)*
- Passed a bill protecting parental rights of deployed military personnel. *(HB 1419)*
- Blocked the state from sharing personal information with other states to deny rights because of not paying taxes. *(HB 1701)*