

# 2017 Legislative Review



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The disposition of bills followed by Farm Bureau in the New Hampshire Legislature this year. In **bold print** following each bill number and description is the position taken by Farm Bureau.

by Rob Johnson, NHFB Policy Director

### \*Bill Abbreviation Key

**HB** = House Bill – a bill sponsored by a Representative and originating in the House

**SB** = Senate Bill – a bill sponsored by a Senator and originating in the Senate

**FN** = Fiscal Note – means a cost estimate prepared by relevant agencies indicating the bill's fiscal impact is attached.

**A** = Appropriation – means the bill includes an appropriation of funds.

**L** = contains information on the bill's impact on municipal revenue.

### Bills\* Signed into Law

**HB 98-FN**, authorizes brew pubs to manufacture alcoholic cider. "Brew pub" is defined as "a manufacturer of beer, specialty beer, or cider not exceeding 2,500 barrels annually, which as a functional part of its business, maintains a full service restaurant serving the beer it manufactures as well as other beverage and liquor as allowed by RSA 178:21, II(a)(1) and RSA 178:22, V(q)." Effective 8/15/17, Chapter Law 120 (of the Laws of 2017). **Supported**

**HB 99**, modifies container requirements for alcoholic beverages in the beer container requirements in the liquor laws as follows: *The liquor commission shall not, by rule or otherwise, require a beverage vendor, beverage manufacturer, nano brewery, or brew pub to obtain federal label approval for beverage, as defined in RSA 175:1, VIII, sold exclusively in the state of New Hampshire.* Effective 8/15/17, Chapter Law 121. **Monitored**

**HB 140-FN**, authorizes a licensed wine manufacturer to operate, in addition to its winery, a retail outlet for the sale, sampling, and promotion of its products. Effective 7/1/17, Chapter Law 123. **Supported**

**HB 161-FN**, requires beverage manufacturer licensees to pay the beer tax on beverages sold at farmers' markets. Effective 7/1/17, Chapter Law 232. **Monitored**

**HB 215**, establishes a commission to study the legalization, regulation, and taxation of marijuana. In early drafts of the bill, Farm Bureau was provided a seat on the Commission (unsolicited) but the Farm Bureau representative was removed. **Farm Bureau does not have a position on marijuana and its legalization.** Effective 7/18/17, Chapter Law 235. **Monitored**

**HB 246**, defining "market value" in the Forestry statutes to address the use of the 3x-10x timber trespass market value civil penalty being applied to shade and ornamental tree cutting yard disputes. "Market value" is defined as "stumpage value as determined in the same manner as other property values for the purposes of taxation at the time the timber is cut." This should free state Forest Ranger

time for more timber-related issues instead of having to deal with yard tree disputes. Effective 1/1/18, Chapter Law 164.

#### **227-J:8 Trespass; Civil Penalty. –**

I. No person shall negligently cut, fell, destroy, injure, or carry away any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

II. In addition to any other civil or criminal penalty allowed by law, any person who violates the provisions in paragraph I shall forfeit to the person injured no less than 3 and not more than 10 times the market value of every such tree, timber, log, lumber, wood, pole, underwood, or bark cut, felled, destroyed, injured, or carried away.

#### **227-J:8-a Trespass; Criminal Penalty. –**

I. No person shall recklessly cut, fell, destroy, injure, or carry away any tree, timber, log, wood, pole, underwood, or bark which is on the land of another person, or aid in such actions without the permission of that person or the person's agent.

II. A person who violates the provisions of paragraph I shall be guilty of a class B felony if the loss, **as determined by market value**,\* is greater than \$1,000, or a misdemeanor for any other loss.

\*Language in **bold italics** effective 1/1/18

### **Monitored**

**HB 258**, contains language permanently grandfathering biosolids applications on certain sites within designated river corridors. The existing exemption expired January 1<sup>st</sup>. The Legislature has temporarily extended the grandfathering provision for qualifying sites four times previously (2003, 2005, 2007, 2011) since the law establishing biosolids application setbacks of 250' along designated river corridors was instituted in 1998. Biosolids applications must "comply with all applicable federal and state laws and any best management practices published by the university of New Hampshire cooperative extension." Effective 9/16/17, Chapter Law 238. **Supported**

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**HB 262**, declares the common blackberry to be the berry of the biennium as follows: *The general court of the state of New Hampshire finds that the common blackberry (Rubus allegheniensis) is a vital part of the New Hampshire ecosystem and as such declares the common blackberry (Rubus allegheniensis) to be the berry of the biennium.* Effective 6/15/17, Chapter Law 114.

**HB 290**, makes the rabies vaccination protocols for companion animals consistent with national standards. The bill was a request of the State Veterinarian. Effective 8/1/17, Chapter Law 58. **Monitored**

**HB 291-FN**, removes the requirement that the Board of Veterinary medicine adopt rules regarding prescribing opioids and that veterinarians query the controlled drug prescription monitoring program when prescribing such drugs. Effective 8/15/17, Chapter Law 128. **Monitored**

**HB 316**, establishes a local option property tax exemption for commercial and industrial construction as follows:

**72:81 Property Tax Exemption.** - *An eligible municipality may, by vote of the local legislative body pursuant to RSA 72:82, adopt a new construction property tax exemption for commercial or industrial uses, or both. The intent of the exemption is to provide incentives to businesses to build, rebuild, modernize, or enlarge within the municipality. The exemption shall apply only for municipal and local school property taxes assessed by the municipality which shall exclude state education property taxes under RSA 76:3 and county taxes assessed against the municipality under RSA 29:11, and shall be a specified percentage on an annual basis of the increase in assessed value attributable to construction of new structures, and additions, renovations, or improvements to existing structures, but which shall not exceed 50 percent per year. The exemption may run for a maximum period of 10 years following the new construction. Once adopted by the local legislative body, the percentage rate and duration of the exemption shall be granted uniformly within that municipality to all projects for which a proper application is filed*

Effective 8/28/17, Chapter Law 179. **Monitored**

**HB 336**, bringing the state's air emission and setback regulations for outdoor wood-fired hydronic heaters (OWHH) in line with federal rules. Also clarified the law does not apply to an OWHH "specifically designed to burn wood pellet fuel with metered fuel and air feed and controlled combustion engineering, which is operated according to manufacturers' specifications and burns only wood pellet fuel". Effective 7/1/17, Chapter Law 17. **Farm Bureau worked to ensure lawfully operating existing OWHHs are grandfathered**, which they are provided they are not "reinstalled at a new location."

**HB 568-FN**, clarifies the taxability of lease interests in public property (RSA 72:23) and allows for political subdivisions to adopt an exemption from the taxability requirement for land leased exclusively for agriculture. Effective 6/28/17, Chapter Law 168. **Supported**

**HB 612**, makes clarifications, updates to the states' livestock and meat inspection statutes and reorganizes certain sections (RSA 427). Effective 8/15/17, Chapter Law 145. **Monitored but made wording suggestions concerning proposed changes relative to "Livestock Dealers"**.

**SB 10-FN**, appropriates \$2 million for NH dairy producers to be distributed via an application process using a formula based on homegrown feed loss due to the 2016 drought – referred to in statute as the *New Hampshire Dairy Producers Drought Relief Program*. The program is to be administered by the NH Department of Agriculture, Markets and Food with funds distributed by June 30, 2017 (end of fiscal year 2017). Effective 4/25/17, Chapter Law 27. **Supported**

**Note:** There were 60 NH producers who applied for relief funds, 59 received funding. A total of \$2.7 million in total was requested, which was prorated as stipulated in the law

**SB 30-FN**, defining woodland buffers and relative to such woodland buffers for the purpose of the shoreland protection act. Makes changes and clarifies the Shoreland Water Quality Protection Act (RSA 483-B\*) concerning the "waterfront buffer" (first 50 ft. from the shoreline) and the "woodland buffer" (first 150 ft. from the shoreline, including the "waterfront buffer"). Changes the point grid measuring size from 50 ft. wide to 25 ft. wide and reduces the vegetative "points" required in the "waterfront buffer". The goal being to discourage clear cutting and encourage more vegetation along residential shoreline properties. The bill was a request of DES. Effective 9/9/17, Chapter Law 225. **Monitored**

**\*Note:** agricultural activities and operations are exempt from the provisions of the Shoreland Water Quality Protection Act provided such activities and operations conform with all other state and federal laws and with best management practices (see RSA 483-B:3).

**SB 101-FN**, changes the high school attendance requirement for enrolling in a career and technical education program from two years to one year. (Effective 9/8/17) Also establishes a dual\*, as well as concurrent,\* enrollment program which will allow high school students to enroll in courses for college credit through the community college system of New Hampshire. (Effective 7/1/17), Chapter Law 210. **Supported**

**\*\*Concurrent enrollment\*\*** means courses taught at the high school by high school teachers approved by the community college system of New Hampshire (CCSNH) in which high school students earn both high school and college or university credit while students are still attending high school or a career technical education center.

**\*\*Dual enrollment\*\*** means college courses taught by instructors from the community college system of New Hampshire (CCSNH) in which high school students earn college credit while students are still enrolled in high school or a career technical education center.

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**SB 104**, changes references from “vocational” education to “career and technical” education in RSA 188-E, relative to Regional Career and Technical Education (CTE). Effective 8/7/17, Chapter Law 110. **Monitored**

**SB 118**, defines “pervious surfaces” under the Shoreland Water Quality Protection Act as “any surface, whether natural, man-made, or modified, that can effectively absorb or infiltrate water including, but not limited to, vegetated surface, such as woodlands, planted beds, and lawns, and those pavements specifically designed and maintained to effectively absorb and infiltrate water.” Effective 5/9/17, Chapter Law 38. **Monitored**

**SB 129**, makes modifications to the Electric Renewable Portfolio Standard (RPS) – which requires electricity providers and regulated utilities purchase a certain percentage of their electricity from renewable power producers – in support of the state’s wood-fired (biomass) power plants. The modifications are in tune with the stated purpose of the RPS (RSA 362-F:1) of maintaining a diversified energy mix in NH, promoting locally sourced renewable fuels, keeping energy dollars in the local economy, and reducing our dependence on fossil fuels but are seen as only a short-term fix while a long-term solution is found. Effective 7/11/17, Chapter Law 226. **Supported**

**SB 221-FN**, makes food and food facility inspections at the discretion of the Department of Health and Human Services (DHHS) by adding clarifying language to state stating DHHS “may determine the facts and frequency of inspections and sampling and shall use a risk-based approach in consideration of available resources to prioritize inspections and sampling.” Also clarifies DHHS authority to inspect Homestead Food Operations (RSA 143-A:12) and uninspected poultry and rabbits sold to restaurants (RSA 143-A:16) when DHHS “has reason to suspect an imminent health hazard”. Effective 7/1/17, Chapter Law 87. **Monitored**

## Bills Found

### Inexpedient-to-Legislate or Otherwise Defeated

**Constitutional Amendment Concurrent Resolution (CACR) 1**, to submit a proposed constitutional amendment to the voters providing that the General Court shall meet biennially. **Farm Bureau has long-standing policy supporting.**

**HB 95**, introduced as a bill *establishing a committee to study the feasibility of transferring authority over the university system of New Hampshire’s budget to the general court.* It was amended and passed the House with the new title: *establishing a committee to study how taxpayer funds appropriated to the university system of New Hampshire and the community college system of New Hampshire are expended and the procedures to ensure accountability for such expenditures.* The bill was found ITL in the Senate. **Monitored**

**HB 97-FN**, regulating the use of drones. **Monitored**

**HB 115-FN**, establishing a state minimum wage and providing for adjustments to the minimum wage. **Opposed**

**HB 181**, relative to the maintenance of private roads abutting residential properties. Required an owner of land that abuts a private road to repair and maintain his or her share of such road. **Opposed**

**HB 225**, repealing the electric renewable portfolio standard (RPS). See **SB 129**. **Opposed**

**HB 289**, allowing humane societies to place tourist oriented directional signs on the side of the road. **Monitored**

**HB 339**, relative to reimbursement of transportation costs for students attending a career and technical education center. Changing the definition of “sending district” to allow reimbursement for the cost of a student attending a Career and Technical Education (CTE) program in the school district in which the student resides. The state reimburses transportation costs and a portion of tuition to the sending districts for students who attend an approved CTE program outside of the district in which they reside. Reimbursement does not apply to sending districts whose students reside within the district where the CTE is located. This would have allowed districts to be reimbursed transportation costs for all CTE students, even those who reside in the same district as the CTE center. **Monitored**

**HB 376**, requiring construction projects that disturb sediments of estuarine waters to analyze the characteristics of the sediments and report them to the department of environmental services. **Monitored**

**HB 452-FN**, establishing the office of the business advocate in the department of resources and economic development and making an appropriation therefor. **Monitored**

**HB 467**, relative to the duties of the fish and game commission. Changing the role of the Fish and Game Commission to advisory under the Executive Director of the Fish and Game Department. **Opposed** (See **SB 48**).

**HB 483**, prohibiting the issuance of a summons or warrant for failure to license a dog. **Monitored**

**HB 507**, establishing a committee to study the responsibility of a person who through their pollution makes drinking water non-potable. **Monitored**

**HB 531-FN**, increasing the minimum gross business income required for filing a Business Profits Tax return from \$50,000 to \$75,000, passed the House but defeated in the Senate. **Supported**

**HB 594-FN-L**, establishing a registry for persons convicted of animal cruelty. **Opposed**

**SB 14**, eliminating the requirement that a plow operator be actively engaged in plowing when using amber lights. **Monitored**

**SB 82**, requiring the state or province of origin of maple syrup to be listed on the label of such syrup’s packaging. **Found Inexpedient-to-Legislate at the request of the bill sponsors in order to enable further discussions on the proposal within the maple industry.**

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**SB 97-FN-A**, appropriating money to the New Hampshire agricultural lands preservation program existing within the NH Department of Agriculture. **Supported**

## **Bills Retained in Committee (House) or Referred to Committee (Senate)**

**HB 79**, relative to New Hampshire products purchased and sold by the liquor commission. (Senate Commerce) Modifies the requirement that the liquor commission purchase and list for sale New Hampshire products. The following version of the bill passed the House:

Amend RSA 176:12 to read as follows:

### **176:12 New Hampshire Products. -**

I. The commission, wherever feasible, shall purchase and list for sale in all state stores [~~the domestic~~] liquor and wines [~~manufactured or bottled in this state by a manufacturer~~] *that are grown in New Hampshire, made in New Hampshire, or packaged in New Hampshire. This section shall only apply to New Hampshire domestic manufacturers selling less than 15,000 9-liter-equivalent total cases annually within the state of New Hampshire*

II. *In this section:*

(a) *“Grown in New Hampshire” means that at least 80 percent of the primary ingredients were grown or produced in New Hampshire and the finished product was manufactured and packaged in New Hampshire.*

(b) *“Made in New Hampshire” means that the finished product was packaged in New Hampshire and was at least 50 percent manufactured in New Hampshire.*

(c) *“Packaged in New Hampshire” means that the finished product was packaged in New Hampshire*

## **Monitoring**

**HB 151**, relative to industrial hemp as a controlled substance. (Senate Judiciary) Prohibiting the designation of industrial hemp as a controlled substance. **Support**

**HB 173**, relative to regulations restricting the use of water for outdoor usage. (Senate Public and Municipal Affairs) As introduced extended the authority of local officials to restrict the use of water as follows:

Selectmen; Restricting the Watering of Lawns. Amend RSA 41:11-d, I to read as follows

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for [~~residential~~] outdoor lawn watering *or other outdoor discretionary water usage* when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought.

Farm Bureau opposed this as “discretionary water usage” was not defined. The bill was amended to enable local officials the authority to restrict water use (during a declared drought) for “any outdoor purpose” but exempted “agricultural and nursery operation.” It eventually passed the House with a completely different language

enabling local officials to restrict the use of water solely for “commercial” lawn watering (in addition to residential lawn watering) and added language providing the governing body the ability to grant exceptions. The specific language exempting agriculture was dropped. The Senate Public and Municipal Affairs Committee found that including commercial lawn watering in these restrictions is a reasonable extension of authority for local officials during a declared drought but added an amendment ensuring that turf at golf courses would not be considered lawn as follows:

### **41:11-d Restricting the Watering of Lawns. -**

I. The local governing body may establish regulations restricting the use of water from private wells or public water systems for residential *and commercial* outdoor lawn watering when administrative agencies of the state or federal government have designated the region as being under a declared state or condition of drought. *The governing body issuing the ban order may, upon application for exemption by an affected party, grant an exception to the watering ban.*

*I-a. Turf at golf courses shall not be considered lawn under this section.*

II. The local governing body shall give notice prior to the implementation of the regulations in paragraph I. Notice shall be given at least 3 calendar days before the regulations are implemented. The notice required under this section shall not include the day notice is posted. Notice of the regulations shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places.

III. The full text of the proposed regulations need not be included in the notice if an adequate statement describing the proposal and designating the place where the proposal is on file for public inspection is stated in the notice.

This amendment went to the Senate floor on a unanimous committee recommendation of 5-0 where it was rereferred to the Public and Municipal Affairs Committee. **Monitoring**

**HB 225**, introduced as a bill to repeal the electric renewable portfolio standard (RPS) law. (Senate Energy and Natural Resources) **Farm Bureau opposed**. It was rewritten (amended) to require new quarterly reporting requirements for Renewable Energy Certificates (RECs) under the RPS. The goal being to increase transparency in the reporting of REC trading activity. This will provide will provide information about the number and destination of traded RECs. **Farm Bureau does not have a position on the amendment.**

**HB 337**, relative to municipal regulations of small wind energy systems. Modifies the authority of municipalities to set noise level limits for small wind energy systems. (Senate Energy and Natural Resources) **Monitoring**

**HB 399**, relative to pesticide use and notification in places where children play. (House Environment and Agriculture) **Oppose**

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**HB 485-FN**, relative to standards for emerging contaminants in drinking water. (House Finance) **Monitoring**

**HB 486**, relative to the protection of wetlands. Renames RSA 482-A, currently "Fill and Dredge in Wetlands, the "Wetlands Protection Act", establishes "high value wetlands", and state setbacks for high value wetlands. (House Resources, Recreation, and Development) **Oppose**

**HB 518**, eliminating the cap on net metering. (House Science, Technology and Energy Committee) Farm Bureau policy supports elimination of the cap. In June the Public Utilities Commission lifted the net metering cap for solar generated power. **Monitoring**

**HB 579-FN**, relative to registration of semi-trailers. (House Transportation) Introduced to reduce NH semi-trailer registration fees by making them competitive with fees in neighboring states and to encourage interstate truckers (who can register their trailers in any state in which they do business) to register their semi-trailers in NH. It does this in part by authorizing the registration of semi-trailers through nongovernmental agents of the Department of Safety. **Supported**

**SB 48**, establishing a commission to study the efficiency and effectiveness of the fish and game department's operations, governance, and management structure passed the Senate but was retained by the House Fish and Game Marine Resources Committee. **Farm Bureau does not oppose a study of Fish and Game but opposed the proposed makeup of the 12-member study commission. Concerns include that while dedicated representation is provided for "non-hunting wildlife interests" and "recreational interests," there is not a dedicated representative of landowners nor of forestry interests. The bill was amended to add a commission member "representing the general public with a background in agricultural interests, appointed by the governor." We do not believe this sufficiently represents agricultural interests.**

**SB 88-FN**, authorizing wine manufacturer retail outlets. (House Commerce and Consumer Affairs) See **HB 140-FN**, which was signed into law. **SB 88-FN** was retained as a "vehicle" in the event **HB 140-FN** did not pass or was not signed into law.

**SB 169**, relative to the definition of agritourism. Preempting local regulation of agritourism. (Senate Public and Municipal Affairs) **Oppose**

**SB 172-FN**, requiring that no dam located on residential property be declared a menace unless the local governing body of a municipality where such dam is located votes to declare it such. (Senate Public and Municipal Affairs) **Monitoring**

## Bills Tabled

**HB 335**, relative to notice of federal motor carrier safety regulations. Requires the Department of Safety to conduct rulemaking proceedings for all updates (changes) to federal rules governing motor carrier safety regulations and also to provide notice of proposed rule changes to all "licensed commercial

drivers, motor carrier owner/operators, and interested parties". **Monitoring**

**HB 381-FN**, relative to cruelty to non-captive wildlife. Applies certain provisions for the crime of animal cruelty to wild animals not in captivity. The Fish and Game Department testified they already have authority to prosecute abusers of wild animals under existing statute. **Opposed**

**HB 621-FN-A-L**, establishing a road usage fee to supplement the road toll (commonly referred to the "gas tax") for motor vehicles registered to travel on NH roads for vehicles rated greater than 22.5 MPG (see excerpt from **HB 621** below). The road usage fee would be based on the equivalent miles per gallon the vehicle is rated with the fee collected at the time of annual registration of the vehicle. The bill is a recommendation of the Commission to Study Revenue Alternatives to the Road Toll for Electric-Powered and Hybrid Vehicles for the Funding of Improvements to the State's Highways and Bridges. **Monitoring**

### Excerpt from **HB 621**:

*I. Except as provided by paragraph II, the owner of each New Hampshire motor vehicle which has an equivalent miles per gallon (MPG) more than 22.5 MPG shall be required to pay a road usage fee at the time of registration of the vehicle, other than temporary registration, with a registration agent. The road usage fee shall be based on a vehicle that travels 12,500 miles per year and averages 22.5 MPG. Such a base vehicle would use 675 gallons of fuel and pay \$123.33 per year in road toll. The road usage fee for such base vehicle is \$0. The road usage fee for all other vehicles shall be \$123.33 minus the New Hampshire road toll paid per year based on 12,500 miles of travel.*

*II. The road usage fee shall not apply to motorcycles as defined in RSA 259:63, mopeds as defined in RSA 259:57, OHRVs as defined in RSA 259:69, and motor vehicles that are model year 1983 or older.*

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 *New Hampshire*

**Farm Bureau Federation**

*Jeanne H. Amidei*