

CHAPTER 106
SB 291 – FINAL VERSION

03/07/12 0701s
25Apr2012... 1571h

2012 SESSION

12-2861
03/04

SENATE BILL **291**

AN ACT relative to the use of currently allowed impact fees by municipalities and making an appropriation to establish a North Country fire training facility.

SPONSORS: Sen. Boutin, Dist 16; Sen. De Blois, Dist 18; Sen. D'Allesandro, Dist 20; Sen. Odell, Dist 8; Sen. Rausch, Dist 19; Rep. Kotowski, Merr 9; Rep. Hess, Merr 9; Rep. T. Smith, Merr 9; Rep. Graham, Hills 18

COMMITTEE: Transportation

AMENDED ANALYSIS

This bill:

I. Allows municipalities to use revenue from existing impact fees for capital improvements to state highways within the municipality.

II. Requires annual reports by a municipality with an impact fee ordinance.

III. Makes an appropriation to establish a North Country fire training facility.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 106
SB 291 – FINAL VERSION

03/07/12 0701s
25Apr2012... 1571h

12-2861
03/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twelve

AN ACT relative to the use of currently allowed impact fees by municipalities and making
an appropriation to establish a North Country fire training facility.

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

1 106:1 Impact Fee. Amend the introductory paragraph of RSA 674:21, V to read as follows:

2 V. As used in this section “impact fee” means a fee or assessment imposed upon
3 development, including subdivision, building construction, or other land use change, in order to help
4 meet the needs occasioned by that development for the construction or improvement of capital
5 facilities owned or operated by the municipality, including and limited to water treatment and
6 distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water,
7 drainage and flood control facilities; ~~public~~ **municipal** road systems and rights-of-way; municipal
8 office facilities; public school facilities; the municipality’s proportional share of capital facilities of a
9 cooperative or regional school district of which the municipality is a member; public safety facilities;
10 solid waste collection, transfer, recycling, processing, and disposal facilities; public library facilities;
11 and public recreational facilities not including public open space. No later than July 1, 1993, all
12 impact fee ordinances shall be subject to the following:

13 106:2 New Subparagraphs; Innovative Land Use Control. Amend RSA 674:21, V by inserting
14 after subparagraph (j) the following new subparagraphs:

15 (k) Revenue from impact fees imposed upon development and collected by a municipality
16 under RSA 674:21, V for construction of or improvement to municipal road systems may be expended
17 upon state highways within the municipality only for improvement costs that are related to the
18 capital needs created by the development. Such improvements may include items such as, but not
19 limited to, traffic signals and signage, turning lanes, additional travel lanes, and guard rails. No
20 such improvements shall be constructed or installed without approval of the state department of
21 transportation. In no event shall impact fees be used for any improvements to roads, bridges, or
22 interchanges that are part of the interstate highway system. Nothing in RSA 674:21, V shall be
23 construed as allowing or authorizing additional impact fees merely by virtue of having approved the
24 expenditure of collected fee revenue for construction of or improvement of state highways, nor shall
25 it be construed as allowing the adoption of new impact fees devoted to assessing impacts to state
26 highways.

27 (l) No later than 60 days following the end of the fiscal year, any municipality having

CHAPTER 106
SB 291 – FINAL VERSION
- Page 2 -

1 adopted an impact fee ordinance shall prepare a report listing all expenditures of impact fee revenue
2 for the prior fiscal year, identifying the capital improvement project for which the fees were assessed
3 and stating the dates upon which the fees were assessed and collected. The annual report shall
4 enable the public to track the payment, expenditure, and status of the individually collected fees to
5 determine whether said fees were expended, retained, or refunded.

6 106:3 Appropriation. The sum of \$550,000 is hereby appropriated to the department of safety,
7 division of fire standards and training and emergency medical services, for the biennium ending
8 June 30, 2013 for the purpose of establishing a North Country fire training facility. Said sum shall
9 be a charge against the fire standards and training and emergency medical services fund established
10 in RSA 21-P:12-d.

11 106:4 Effective Date.

12 I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

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

14 Approved: May 29, 2012

15 Effective Date: I. Sections 1 and 2 shall take effect July 28, 2012.

16 II. Remainder effective May 29, 2012.