

HB 1210 – VERSION ADOPTED BY BOTH BODIES

05/15/14 1768s
05/15/14 1850s
05/15/14 1851s
4Jun2014... 1997CofC
4Jun2014... 2013EBA

2014 SESSION

14-2142
03/04

HOUSE BILL **1210**

AN ACT correcting certain references to divisions of the department of revenue administration and legalizing a Hanover school district bond warrant article and relative to notice of changes to zoning districts and relative to the elements of the crime of burglary.

SPONSORS: Rep. Cooney, Graf 8

COMMITTEE: Executive Departments and Administration

AMENDED ANALYSIS

This bill:

I. Corrects statutory references to divisions of the department of revenue administration to reflect changes enacted in 2013, 247.

II. Legalizes a Hanover school district bond warrant article.

III. Requires notice by first class mail to owners of properties affected by certain changes to zoning district boundaries and uses or lot sizes permitted in a district.

IV. Requires electronic or mail notice of hearings on proposed zoning ordinance amendments to owners of property requesting such notice.

V. Amends the burglary statute to include cases where a person remains unlawfully in a building or occupied structure.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fourteen

AN ACT correcting certain references to divisions of the department of revenue administration and legalizing a Hanover school district bond warrant article and relative to notice of changes to zoning districts and relative to the elements of the crime of burglary.

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

1 1 Reference Changed. Amend RSA 21-J:6, II to read as follows:

2 II. Handling of accounts receivable for the municipal [~~services~~] and property [~~appraisal~~
3 ~~divisions~~] **division**.

4 2 References Changed. Amend RSA 21-J:24-a, II to read as follows:

5 II. The nonlapsing revolving fund, which shall not exceed \$5,000 on June 30 of each year,
6 shall be established in the municipal [~~services~~] **and property** division, department of revenue
7 administration. Any amounts in excess of \$5,000 on June 30 of each year shall be deposited into the
8 general fund as unrestricted revenue.

9 3 References Changed. Amend RSA 21-J:24-a, IV-V to read as follows:

10 IV. The money in this fund shall be used for the purpose of:

11 (a) Purchasing, producing, or printing technical information of a nonbinding nature for
12 distribution by the municipal [~~services~~] **and property** division in conjunction with training seminars
13 for local officials, town counsels, and professional auditors. Charges made shall be only in the
14 amount necessary to pay the cost of producing or printing the technical assistance documents of a
15 nonbinding nature or to reimburse the municipal [~~services~~] **and property** division for the cost of
16 purchased material.

17 (b) Providing training to municipal employees in the areas of assessment, taxation, and
18 finance. A reasonable charge shall be established for such training. This charge shall be fixed to
19 reflect the cost of payments to experts to provide the training, the cost of written training materials,
20 rented facilities, **and** advertising, and other indirect associated costs. Such training shall be
21 conducted in geographically dispersed locations.

22 (c) Printing training materials for distribution. A reasonable charge shall be established
23 for each copy of a training document. This charge shall only be the amount necessary to pay the cost
24 of producing such document.

25 V. Funds received from the sale of any materials shall be credited to the fund established in

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1 this section. The receipts from such charges shall be used for no other purpose than the subsequent
2 purchase, production, or printing of technical assistance documents of a nonbinding nature by the
3 municipal [~~services~~] **and property** division of the department of revenue administration.

4 4 Reference Changed. Amend the introductory paragraph of RSA 79:1, III to read as follows:

5 III. “Stumpage value” means the amount determined by the assessing officials in the same
6 manner as other property values for the purposes of taxation at the time the timber is cut. The
7 assessing official shall take into consideration the location of the timber, the quality of the timber,
8 the size of the sale, and any other factors necessary to harvest the wood or timber that affect the
9 value of timber being cut. Stumpage value of all forest products except those customarily measured
10 by the cord, by weight, or by the piece shall be determined on the basis of international 1/4 inch rule
11 log scale. If there are questions by the assessors regarding the true and accurate stumpage values
12 reflected in contracts presented by the owner as the basis for timber tax assessment, the department
13 of revenue administration, **municipal and** property [~~appraisal~~] division, shall be available to assist
14 or advise the municipalities in the proper calculation of the stumpage value for assessment purposes.
15 The burden shall be upon the owner filing the “Report of Wood Cut” form to demonstrate the
16 reasonableness of a claim under this paragraph.

17 5 Reference Changed. Amend the concluding paragraph of RSA 292:23, IV to read as follows:

18 Such audited reports shall be a public document and copies shall be submitted to the director of
19 charitable trusts, bank commissioner, and department of revenue administration--municipal
20 [~~services~~] **and property** division.

21 6 Repeal. RSA 21-J:24-a, III, relative to initial funding for a revolving fund in order to provide
22 training for and to publish and distribute training and educational materials to municipal officers
23 and employees, is repealed.

24 7 Hanover School District; Bond Warrant Article. All votes and proceedings related to bond
25 warrant Article #2 that was passed by a 3/5 vote at the annual meeting of the Hanover school district
26 held on March 4, 2014, and in particular, (1) the bond hearing proceedings that resulted in a
27 violation of the RSA 33:8-a, I requirement that the school district hold a separate public bond
28 hearing and that notice of such public hearing on the bond be published in a newspaper of general
29 circulation within the school district at least 7 days prior to the day of the hearing and (2) the
30 posting of the warrant for such annual meeting that resulted in a violation of the RSA 197:7
31 requirement that an attested copy of the warrant be posted at the place of the meeting, are hereby
32 legalized, ratified, and confirmed.

33 8 Notice Requirements for Public Hearing. Amend RSA 675:7 to read as follows:

34 675:7 Notice Requirements for Public Hearing.

35 I. Notice shall be given for the time and place of each public hearing held under RSA 675:2-4
36 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section
37 shall not include the day notice is posted or the day of the public hearing. Notice of each public

1 hearing shall be published in a paper of general circulation in the municipality and shall be posted in
2 at least 2 public places. *Any person owning property in the municipality may request notice*
3 *of all public hearings on proposed amendments to the zoning ordinance, and the*
4 *municipality shall provide notice, at no cost to the person, electronically or by first class*
5 *mail. If a proposed amendment to a zoning ordinance would change a boundary of a*
6 *zoning district and the change would affect 100 or fewer properties, notice of a public*
7 *hearing on the amendment shall be sent by first class mail to the owners of each affected*
8 *property. If a proposed amendment to a zoning ordinance would change the minimum lot*
9 *sizes or the permitted uses in a zoning district that includes 100 or fewer properties, notice*
10 *of a public hearing on the amendment shall be sent by first class mail to the owner of each*
11 *property in the district. Notice by mail shall be sent to the address used for mailing local*
12 *property tax bills, provided that a good faith effort and substantial compliance shall*
13 *satisfy the notice by mail requirements of this paragraph. Petitioned amendments as*
14 *authorized in RSA 675:4 shall not be subject to notification by mail requirements.*

15 II. The full text of the proposed master plan, zoning ordinance, building code, subdivision
16 regulation, site plan review regulation and historic district regulation, ordinance, or amendment
17 need not be included in the notice if an adequate statement describing the proposal and designating
18 the place where the proposal is on file for public inspection is stated in the notice. *The notice of a*
19 *hearing on a proposed amendment to a zoning ordinance to be sent electronically or by*
20 *first class mail shall include a statement describing, to the greatest extent practicable and*
21 *in easily understood language, the proposed changes to the zoning ordinance, the areas*
22 *affected, and any other information calculated to improve public understanding of the*
23 *proposal.*

24 9 Unauthorized Entries; Burglary. Amend RSA 635:1, I to read as follows:

25 I. A person is guilty of burglary if he *or she* enters *or remains unlawfully in* a building or
26 occupied structure, or separately secured or occupied section thereof, with purpose to commit a crime
27 therein, unless the premises are at the time open to the public or the actor is licensed or privileged to
28 enter. It is an affirmative defense to prosecution for burglary that the building or structure was
29 abandoned.

30 10 Effective Date. This act shall take effect upon its passage.