

Senate Finance Committee
Budget Decision Sheets and Amendments
05/20/19
Afternoon

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET					
Governor's Office of Substance Use Disorders/Behavioral Health					
	Contact	SOF	FY 2020	FY 2021	Total
HB 1:					
No Proposed Changes.	Mac Zelle, Budget Director	G, O	\$0	\$0	\$0
HB 2:					
Governor's Commission Membership					
Adds the HB 2 as Introduced language allowing the Governor to make the appointment from a representative of a church or other religious organization instead of the House passed version that had one representative of the state's faith based community, chosen by a representative body of this community (sections 93-94, page 28). A proposed amendment will be offered when DHHS Office of Behavioral Health is discussed.	Senator		\$0	\$0	\$0

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET					
Department of State					
	Contact	SOF	FY 2020	FY 2021	Total
HB 1:					
No Proposed Changes.	Bill Gardner Secretary of State David Scanlan Deputy Secretary of State 271-3242	G	\$0	\$0	\$0
HB 2:					
HAVA Matching Funds					
House appropriated \$155,113 for the biennium for the state match for meeting the requirements of the 2018 Federal Election Reform Program and HAVA (\$3.1 million) (Sec. 198, p. 80). Secretary of State says this can be deleted as they will use HAVA funds for this purpose. Amendment 2019-1648s.	Senator D'Allesandro	G	(\$155,113)		
Citizen's Right to Know Commission and Ombudsman					
SB 313 is added (tabled in Senate). Establishes a Citizen's Right-to-Know Commission and a Right-to-Know Ombudsman and administratively attaches the office to the Department of State, with an appropriation for FY 2020 only. Amendment #2019-2017s.	Senator Giuda	G	\$0	\$56,800	\$56,800

Amendment to HB 2-FN-A-LOCAL

1 Statement of Intent. The purpose of sections 1-6 is to provide the public with a simpler, less
2 expensive, and faster alternative process to resolve complaints under RSA 91-A.

3 2 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:
4 91-A:7 Violation.

5 *I.* Any person aggrieved by a violation of this chapter may petition the superior court for
6 injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings
7 under this chapter high priority on the court calendar. Such a petitioner may appear with or
8 without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of
9 this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court ~~for any~~
10 ~~justice thereof]. [Thereupon the clerk of court or any justice shall order service by copy of the~~
11 ~~petition on the person or persons charged. Subject to objection by either party, all documents filed~~
12 ~~with the petition and any response thereto shall be considered as evidence by the court. All~~
13 ~~documents submitted shall be provided to the opposing party prior to a hearing on the merits.~~
14 ~~When any justice shall find that time probably is of the essence, he or she may order notice by any~~
15 ~~reasonable means, and he or she shall have authority to issue an order ex parte when he or she~~
16 ~~shall reasonably deem such an order necessary to insure compliance with the provisions of this~~
17 ~~chapter.]~~

18 *II. In lieu of the procedure under paragraph I, an aggrieved person may file a*
19 *complaint with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-c.*

20 *III. A person's decision to petition the superior court forecloses the ability to file a*
21 *complaint with the ombudsman pursuant to RSA 91-A:7-c.*

22 *IV. A person's decision to file a complaint with the ombudsman forecloses the*
23 *ability to petition the superior court until the ombudsman issues a final ruling or the*
24 *deadline for such a ruling has passed.*

25 3 New Sections; Citizens' Right-to-Know Appeals Commission; Office of the Ombudsman;
26 Complaint Process; Appeals. Amend RSA 91-A by inserting after section 7 the following new
27 sections:

28 91-A:7-a Citizens' Right-to-Know Appeals Commission Established. There is established a
29 commission to provide oversight for an alternative right-to-know complaint resolution process.

30 I. The members of the commission shall be as follows:

31 (a) One member of the senate, appointed by the president of the senate.

32 (b) One member of the house of representatives, appointed by the speaker of the house

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 of representatives.

2 (c) Ten citizen members, one from each county, no more than 2 of whom shall be
3 current, local, county, state or federal employees or currently serving in any elected or appointed
4 capacity with any political subdivision, public agency or public institution, appointed by the
5 governor with advice and consent of the council.

6 II. The members of the commission shall serve without compensation, but shall be
7 reimbursed for necessary travel and other necessary expenses. Legislative members shall receive
8 mileage at the legislative rate when attending to the duties of the commission.

9 III. Legislative members of the commission shall serve a term coterminous with their term
10 in office. The members appointed under subparagraph I(c) shall serve for a term of 3 years, except
11 that the initial appointment of such members shall be for staggered terms of one, 2, and 3 years. No
12 member shall serve more than 3 consecutive terms. No member under subparagraph I(c) shall be a
13 current lobbyist or an attorney for any entity subject to this chapter, or an attorney for any
14 organization representing the interests of such entity. Nor shall any such member be employed by
15 any such lobbyist or attorney.

16 IV.(a) The commission:

17 (1) Shall establish rules of procedure, pursuant to RSA 541-A, to establish the
18 process to resolve complaints under this chapter consistent with the final report of the commission
19 established in 2017, 126.

20 (2) Shall make recommendations to the legislature concerning proposed changes to
21 this chapter.

22 (3) May provide educational materials relative to this chapter.

23 (b) The members of the commission shall act as a resource for all political subdivisions
24 in the member's respective counties.

25 V. The members of the commission shall elect a chairperson and a vice chairperson
26 annually from among the members. The first meeting of the commission shall be called by the
27 senate member. The first meeting of the commission shall be held within 45 days of the effective
28 date of this section. Five members of the commission shall constitute a quorum.

29 VI. The commission and the ombudsman shall be administratively attached to the
30 department of state.

31 VII. Beginning November 1, 2020, and each November 1 thereafter, the commission shall
32 submit an annual report of its findings and any recommendations for proposed legislation to the
33 president of the senate, the speaker of the house of representatives, and the governor. The report
34 shall also include the total number of complaints received, the number of complaints received
35 concerning public records and public meetings, the number of complaints received concerning state
36 and county agencies, municipalities, school administrative units, and other public entities, the
37 number of complaints in which a ruling was rendered by the ombudsman, the number of violations

Amendment to HB 2-FN-A-LOCAL

- Page 3 -

1 of each provision of this chapter found by the ombudsman, and the number of ombudsman rulings
2 that were appealed to the superior court, including whether the appeal was from a complainant or a
3 public agency or official, and whether the ombudsman's ruling was sustained before the superior
4 court or overturned.

5 91-A:7-b Office Established. There is hereby established the office of the right-to-know
6 ombudsman to be administratively attached to the department of state under RSA 21-G:10. The
7 ombudsman shall work no more than 20 hours per week. The ombudsman shall be appointed by
8 the governor and council, after consultation with the commission, and shall have the following
9 minimum qualifications:

10 I. Be a member of the New Hampshire bar.

11 II. Have a minimum of 10 years full-time practice of law in any jurisdiction.

12 III. Be experienced with and knowledgeable of the provisions of this chapter, the federal
13 Freedom of Information Act, and all state laws regarding right-to-know.

14 IV. Annually, complete a minimum of 3 hours of continuing legal education courses or other
15 training relevant to the provisions of this chapter.

16 91-A:7-c Complaint Process.

17 I. Any party aggrieved by a violation of this chapter shall have the option to either petition
18 the superior court or file a signed, written complaint, along with a \$25 fee, with the office of the
19 ombudsman, established under RSA 91-A:7-b. The ombudsman shall have the discretion to waive
20 the \$25 fee upon a finding of inability to pay. Any signed, written complaint filed with the
21 ombudsman shall attach, if applicable, the request served on the public agency or official and the
22 written response of the public agency or official. The complaint shall be deemed sufficient if it
23 states facts constituting a violation of this chapter.

24 II. Once a complaint has been filed and provided by the ombudsman to the public body or
25 public agency, the public body or public agency shall have 20 calendar days to submit an
26 acknowledgment of the complaint and an answer to the complaint, which shall include applicable
27 law and, if applicable, a justification for any refusal to or delay in producing the requested
28 information, access to meetings, or otherwise comply with the provisions of this chapter. This 20-
29 day deadline may be reasonably extended by the ombudsman for good cause.

30 III. In reviewing complaints, the ombudsman shall be authorized to:

31 (a) Compel timely delivery of records within a reasonable time, regardless of medium
32 and format, and conduct a confidential in-camera review of records where the ombudsman
33 concludes that it is necessary and appropriate under the law.

34 (b) Compel interviews with the parties.

35 (c) Order attendance at hearings within a reasonable time if the ombudsman
36 determines that a hearing is necessary. Such hearings shall be open subject to the provisions of
37 RSA 91-A.

Amendment to HB 2-FN-A-LOCAL

- Page 4 -

1 (d) Issue findings in writing to all parties.

2 (e) Order a public body or public agency to disclose requested records within a
3 reasonable time, provide access to meetings, or otherwise comply with the provisions of this chapter,
4 subject to appeal.

5 (f) Make any finding and order any other remedy to the same extent as provided by the
6 court under RSA 91-A:8.

7 IV. The ombudsman may draw negative inferences from a party's failure to participate and
8 comply with orders during the review process.

9 V. In implementing the provisions of this section, the ombudsman shall follow the
10 procedures established by the commission pursuant to RSA 541-A.

11 VI. The ombudsman shall determine whether there have been any violations of this chapter
12 and issue a ruling within 30 calendar days following the deadline for receipt of the parties'
13 submissions. This 30-day deadline may be extended to a reasonable time frame by the ombudsman
14 for good cause. The ombudsman may also expedite resolution of the complaint upon a showing of
15 good cause. Rulings on expedited complaints shall be issued within 10 business days, or sooner
16 where necessary.

17 VII. The ombudsman shall, where necessary and appropriate under the law, access
18 governmental records in camera that a public body or public agency believes are exempt in order to
19 make a ruling concerning whether the public body or public agency shall release the records or
20 portions thereof to the public. The ombudsman shall maintain the confidentiality of records
21 provided to the ombudsman by a public body or public agency under this section and shall return
22 the records to the public body or public agency when the ombudsman's review is complete. All
23 records submitted to the ombudsman for review shall be exempt from the public disclosure
24 provisions of RSA 91-A during such review.

25 VIII. Nothing in this section shall affect the ability of a person to seek relief in superior
26 court under RSA 91-A:7, I in lieu of this process.

27 91-A:7-d Appeal and Enforcement.

28 I. Any party may appeal the ombudsman's final ruling to the superior court by filing a
29 notice of appeal in superior court no more than 30 calendar days after the ombudsman's ruling is
30 issued. The ombudsman's ruling shall be attached to the document initiating the appeal, admitted
31 as a full exhibit by the superior court, considered by the judge during deliberations, and specifically
32 addressed in the court's written order. Citizen-initiated appeals shall have no filing fee or
33 surcharge. The public body or public agency shall pay the sheriff's service costs if the public body or
34 public agency, or its attorney, declines to accept service. Nothing in this section shall prevent a
35 superior court from staying an ombudsman's decision pending appeal to the superior court.

36 II. A superior court appeal of the ombudsman's ruling shall review the ruling de novo.

37 III. If the ombudsman's final ruling is not appealed, the ombudsman shall, after the

Amendment to HB 2-FN-A-LOCAL

- Page 5 -

1 deadline has passed, follow up with all parties, as required, to verify compliance with rulings
2 issued.
3 IV. The ombudsman's final rulings which are not appealed may be registered in the
4 superior court as judgments and enforceable through contempt of court. If such action is necessary
5 to enforce compliance, all costs and fees, including reasonable attorney fees, shall be paid by the
6 noncompliant public body or public agency.

7 91-A:7-e Rulemaking. The commission shall adopt rules pursuant to RSA 541-A relative to:

8 I. Establishing procedures to streamline the process of resolving complaints under this
9 chapter.

10 II. Content of educational materials under RSA 91-A:7-a.

11 III. Other matters necessary to the proper administration of RSA 91-A:7-a through RSA 91-
12 A:7-d.

13 4 Appropriation. The sum of \$56,800 is hereby appropriated to the department of state for the
14 fiscal year ending June 30, 2020 to pay for the position of ombudsman established in RSA 91-A:7-b.
15 This appropriation shall be nonlapsing and is in addition to any other funds appropriated to the
16 department of state. The governor is authorized to draw a warrant for said sum out of any money
17 in the treasury not otherwise appropriated.

18 5 Right-to-Know; Violation. Amend RSA 91-A:7 to read as follows:
19 91-A:7 Violation.

20 [E] Any person aggrieved by a violation of this chapter may petition the superior court for
21 injunctive relief. In order to satisfy the purposes of this chapter, the courts shall give proceedings
22 under this chapter high priority on the court calendar. Such a petitioner may appear with or
23 without counsel. The petition shall be deemed sufficient if it states facts constituting a violation of
24 this chapter, and may be filed by the petitioner or his or her counsel with the clerk of court *or any*
25 *justice thereof. Thereupon the clerk of court or any justice shall order service by copy of*
26 *the petition on the person or persons charged. Subject to objection by either party, all*
27 *documents filed with the petition and any response thereto shall be considered as evidence*
28 *by the court. All documents submitted shall be provided to the opposing party prior to a*
29 *hearing on the merits. When any justice shall find that time probably is of the essence, he*
30 *or she may order notice by any reasonable means, and he or she shall have authority to*
31 *issue an order ex parte when he or she shall reasonably deem such an order necessary to*
32 *insure compliance with the provisions of this chapter.*

33 [H] In lieu of the procedure under paragraph I, an aggrieved person may file a complaint
34 with the ombudsman under RSA 91-A:7-b and in accordance with RSA 91-A:7-e.

35 III. A person's decision to petition the superior court forecloses the ability to file a complaint
36 with the ombudsman pursuant to RSA 91-A:7-e.

37 IV. A person's decision to file a complaint with the ombudsman forecloses the ability to

Amendment to HB 2-FN-A-LOCAL

- Page 6 -

- 1 ~~petition the superior court until the ombudsman issues a final ruling or the deadline for such a~~
2 ~~ruling has passed.]~~
3 6 Repeal. RSA 91-A:7-a through 91-A:7-e, relative to the citizen's right-to-know commission,
4 office of the ombudsman, complaint process, appeal and enforcement, and rulemaking, is repealed.
5 7 Effective Date.
6 I. Sections 1 and 4 of this act and, RSA 91-A:7-a and RSA 91-A:7-e as inserted by section 3
7 of this act shall take effect July 1, 2019.
8 II. Sections 5 and 6 of this act shall take effect July 1, 2024.
9 III. The remainder of this act shall take effect April 1, 2020.

2019-2017s

AMENDED ANALYSIS

1. Establishes procedures to streamline the resolution of complaints under RSA 91-A, the citizens' right-to-know appeals commission and the office of the right-to-know ombudsman, and an alternative process to resolve right-to-know complaints.

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET					
Department of Revenue Administration					
	Contact	SOF	FY 2020	FY 2021	Total
<u>HB 1:</u>					
No Proposed Changes.	Lindsey Stepp Commissioner 230-5005	G	\$0	\$0	\$0
<u>HB 2:</u>					
Does not include revenue provisions in HB2 which will be addressed separately.	Senator D'Allesandro	G	\$0	\$0	\$0
Add a multi-state auditor in FY 21. No revenue until FY 2022 (\$1.5 million).	Senator Feltes	G	\$0	\$96,205	\$96,205

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET						
Board of Tax and Land Appeals						
	Contact	SOF	FY 2019	FY 2020	FY 2021	Total
<u>HB 1:</u>						
No Proposed Changes.	Michele LeBrun Chair Anne Stelmach Clerk 271-2578	G	\$0	\$0	\$0	\$0
<u>HB 2:</u>						
<u>Housing Appeals Board</u>						
SB 306 is added (tabled in Senate). Amendment increases the appropriation from \$400,000 per year to \$415,000 per year for rent. Amendment 2019-1862s.	Senator D'Allesandro	G	\$0	\$415,000	\$415,000	\$830,000

Sen. D'Allesandro, Dist 20
May 1, 2019
2019-1862s
05/10

Amendment to HB 2-FN-A-LOCAL

1 Findings. The general court declares that:

2 I. An adequate supply of housing that is affordable to a range of incomes is essential to New
3 Hampshire's economic and community development goals.

4 II. Access to an efficient and inexpensive legal appeals process is fundamental to protecting
5 private property rights against unreasonable governmental regulation and processes.

6 III. Individual homeowners who are denied local permits for additions or other simple
7 modifications to their homes often abandon their legal right to appeal because of the time and
8 expense involved in a superior court appeal.

9 IV. Abutters and other parties with standing to appeal local land use decisions on housing
10 developments often abandon their legal right to appeal because of the costs associated with court
11 appeals.

12 V. There are several factors that inhibit builders' ability to meet the demand for new
13 housing in New Hampshire. Significant among these factors are local land use regulations and
14 board practices that can arbitrarily thwart development or impose costly delays. These powers are
15 delegated to municipalities by the state, and must be used in a manner that is consistent with state
16 law.

17 VI. Builders may appeal local land use decisions to the superior court, but such appeals are
18 expensive and time consuming, often leading builders to either abandon their appeals or completely
19 avoid seeking development permits.

20 VII. The cost of litigating such matters in court is significant, and by establishing an
21 alternative process, but without eliminating the option of court appeals, will help to reduce costs of
22 litigation for all parties.

23 VIII. It is appropriate and necessary to establish an alternative track for review of local
24 decisions on housing and housing development without diminishing anyone's existing legal right to
25 pursue a remedy in superior court and without affecting local control or changing the legal
26 standards by which local decisions are adjudicated.

27 2 New Chapter; Housing Appeals Board. Amend RSA by inserting after chapter 678 the
28 following new chapter:

29 CHAPTER 679

30 HOUSING APPEALS BOARD

31 679:1 Board Established. There is hereby established a housing appeals board, hereinafter
32 referred to as the board, which shall be composed of 3 members who shall individually and

Amendment to HB 2-FN-A-LOCAL

- Page 2 -

1 collectively be learned and experienced in questions of land use law or housing development or both.
2 At least one member shall be an attorney licensed to practice law in the state of New Hampshire,
3 and at least one member shall be either a professional engineer or land surveyor. The members of
4 the board shall be full-time employees and shall not engage in any other employment,
5 appointments, or duties during their terms that is in conflict with their duties as members of the
6 board.

7 **679:2 Appointment; Term; Chair.** The members of the board shall be appointed by the supreme
8 court and commissioned by the governor for a term of 5 years and until their successors are
9 appointed and qualified; provided, however, that any vacancy on the board shall be filled for the
10 unexpired term. The initial members of the board shall serve staggered terms of 3, 4, and 5 years.
11 The supreme court shall designate one member as chair to serve in that capacity for the duration of
12 his or her term.

13 **679:3 Removal.** Any member may be removed by the same authority for inefficiency, neglect of
14 duty, or malfeasance in office; but, before removal, the member shall be furnished with a copy of the
15 charges and have an opportunity to be heard in defense.

16 **679:4 Compensation.** Each member of the board shall receive the annual salary prescribed by
17 RSA 94:1-a and reasonable expenses, including transportation, subject to the approval of the
18 governor and council.

19 **679:5 Authority; Duties.**

20 I. It shall be the duty of the board and it shall have power and authority to hear and affirm,
21 reverse, or modify, in whole or in part, appeals of final decisions of municipal boards, committees,
22 and commissions regarding questions of housing and housing development. This includes, but is
23 not limited to:

- 24 (a) Planning board decisions on subdivisions or site plans.
- 25 (b) Board of adjustment decisions on variances, special exceptions, administrative
26 appeals, and ordinance administration.
- 27 (c) The use of innovative land use controls.
- 28 (d) Growth management controls and interim growth management controls.
- 29 (e) Decisions of historic district commissions, heritage commissions, and conservation
30 commissions.
- 31 (f) Other municipal permits and fees applicable to housing and housing developments.
- 32 (g) Matters subject to the board's authority may include mixed-use combinations of
33 residential and nonresidential uses. Such different uses may occur on separate properties, provided
34 such properties are all part of a common scheme of development.

35 II. In exercising its authority under this chapter, the board shall have the power to award
36 all remedies available to the superior courts in similar cases, including permission to develop the
37 proposed housing.

Amendment to HB 2-FN-A-LOCAL

- Page 3 -

1 III. Relative to RSA 674:58 through RSA 674:61, the board shall have the power and
2 authority to hear and determine appeals of decisions of local land use boards regarding proposals for
3 workforce housing, including but not limited to whether the municipality's land use ordinances and
4 regulations provide a reasonable and realistic opportunity for the development of workforce
5 housing; whether the local land use board has imposed conditions of approval that render the
6 proposal economically unviable; and whether a denial by a local land use board was unreasonable or
7 unlawful.

8 IV. After local remedies have been exhausted, appeals may be brought before the board by
9 an applicant to the municipal board, committee, or commission, or by any other aggrieved or injured
10 party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15. The
11 municipality shall be a party to the action. If the applicant is not the party initiating the action
12 before the board, then the applicant shall automatically be an intervenor. The board shall grant
13 intervenor status to abutters and to any other aggrieved or injured party who can demonstrate legal
14 standing to appeal pursuant to RSA 677:4 or RSA 677:15.

15 679:6 Timing of Appeals and Board Proceedings.

16 I. Appeals shall be filed with the board within 30 days of the final decision of a municipal
17 board, committee, or commission. At the same time an appeal is filed with the board, the applicant
18 shall notify the municipal board, committee, or commission of such appeal.

19 II. The municipal board, committee, or commission shall within 30 days of receipt of such
20 notice submit to the board a certified record of its proceedings on the matter subject to the appeal.

21 III. The board shall hold a hearing on the merits within 90 days of its receipt of a notice of
22 appeal.

23 IV. The board shall make a decision on an appeal within 60 days after conducting a hearing
24 on the merits.

25 679:7 Jurisdiction; Court Appeals.

26 I. In matters within its authority the board shall have concurrent, appellate jurisdiction
27 with the superior court. An election by any party to bring an action before the board shall be
28 deemed a waiver of any right to bring an action in the superior court, but shall not abrogate any
29 party's right to appeal decisions of the board to the supreme court; as such, the board shall retain
30 jurisdiction of any matter originally brought before it. At any time during an appeal to the board, if
31 the board determines that it does not have jurisdiction to hear the appeal, the appellant shall have
32 30 days to file an appeal with the superior court.

33 II. In an appeal of a local decision on housing or housing development, any claim that is
34 within the board's authority under RSA 679:5 and that has previously been or is subsequently
35 included in an appeal in superior court by another party to the decision or by any other aggrieved or
36 injured party who can demonstrate legal standing to appeal pursuant to RSA 677:4 or RSA 677:15
37 shall automatically be stayed by the court to provide the party with standing the opportunity to

Amendment to HB 2-FN-A-LOCAL

- Page 4 -

1 intervene in the matter before the board. If intervenor status is granted, the stay of the court
2 action regarding those claims shall continue during the pendency of the appeal to the board. After
3 the board has decided the appeal, the court shall dismiss the matter before it to the extent the
4 matter has been resolved by the board. Any claim included in an appeal to superior court that is
5 not within the board's authority shall not be subject to automatic stay by the court.

6 679:8 Quorum; Disqualification; Temporary Members.

7 I. In all matters a majority of the board shall constitute a quorum to transact business.

8 II. No member of the board shall represent a party or testify as an expert witness or render
9 any professional service for any party or interest before the board, and any member having an
10 interest in the subject matter shall be disqualified to act therein.

11 III. If, in the event of a disqualification or temporary disability of a member or members of
12 the board, it shall become necessary to do so, the board, subject to the approval of the supreme
13 court, shall appoint such number of temporary board members as shall be necessary to meet the
14 requirements herein imposed. Such temporary board members shall serve with respect to such
15 matter until the same has been fully disposed of before the board.

16 IV. Temporary board members shall have the same qualifications as regular board
17 members in whose place they are acting.

18 V. A temporary board member shall be compensated at the rate of \$75 for each day devoted
19 to the work of the board and shall be reimbursed the necessary and reasonable expenses incurred
20 by him or her in the performance of his or her duties.

21 VI. In the event of a vacancy on the board, the appellant may elect to continue the
22 proceedings while awaiting the appointment of a successor board member.

23 679:9 Hearing Procedure; Standard of Review.

24 I. Appeals to the board shall be consistent with appeals to the superior court pursuant to
25 RSA 677:4 through RSA 677:16. Appeals shall be on the certified record, and except in such cases
26 as justice may warrant, in the sole discretion of the board, no additional evidence will be introduced.

27 Consistent with the contested case provisions of RSA 541-A, the rules of evidence shall not strictly
28 apply. In addition to the provisions of RSA 91-A, the board shall record the proceedings of any
29 hearing before it and shall make such recording available to the public for inspection and recording
30 from the date of the hearing to a date which is 15 working days after the board has made a final
31 decision on the matter which is the subject of the hearing, or, if an appeal is made from such
32 decision, the date upon which the matter has been finally adjudicated, whichever date is later.

33 II. The board shall not reverse or modify a decision except for errors of law or if the board is
34 persuaded by the balance of probabilities, on the evidence before it, that said decision is
35 unreasonable.

36 679:10 Representation by Nonattorneys. Nonattorneys, including professional engineers,
37 architects, and land surveyors, may represent any party before the board. Nothing in this section

Amendment to HB 2-FN-A-LOCAL

- Page 5 -

1 shall prevent the board from denying representation by any individual it deems to be improper,
2 inappropriate, or unable to adequately represent the interests of the applicant to the municipal
3 board, committee, or commission.

4 679:11 Board Meetings. The board's deliberative processes in adjudicatory proceedings held
5 pursuant to RSA 541-A shall be exempt from the public meeting and notice provisions of RSA 91-A.
6 Decisions and orders in adjudicatory proceedings shall be publicly available, but only after they
7 have been reduced to writing, signed by a quorum of the board, and served upon the parties, and
8 shall set forth the board's rulings of law and findings of fact in support of its decisions. Discussions
9 and actions by the board concerning procedural, administrative, legal, and internal matters shall be
10 exempt from the meeting and notice provisions of RSA 91-A:2.

11 679:12 Rules and Regulations. The board may adopt rules under RSA 541-A necessary for
12 carrying out its functions including but not limited to rules of procedure to be followed in hearings
13 conducted by it not inconsistent with the provisions of this chapter.

14 679:13 Administration of Oaths, Subpoenas, Etc.; Fees. The board shall have authority to
15 administer oaths and to compel the attendance of witnesses to proceedings before it. The board
16 shall have the power to subpoena and subpoena duces tecum. Witnesses compelled to appear shall
17 be paid the same fee and mileage that are paid to witnesses in the superior court of the state. A
18 subpoena or subpoena duces tecum of the board may be served by any person designated in the
19 subpoena or subpoena duces tecum to serve it. Any testimony given by a person duly sworn shall be
20 subject to the pains and penalties of perjury. All applications or petitions to the board for which no
21 filing fee has been otherwise specified by statute shall be accompanied by a \$250 filing fee. Costs
22 and attorney's fees may be taxed as in the superior court.

23 679:14 Notice. The board shall serve notice in writing of the time, place, and cause of any
24 hearing upon all parties at least 20 days prior to the date of the hearing.

25 679:15 Appeal. Decisions of the board may be appealed to the supreme court by any party in
26 accordance with the provisions of RSA 541 as from time to time amended.

27 679:16 Enforcement of Decisions. After a decision of the board becomes final, the board shall,
28 at the request of any party, file a certified abstract thereof in the Merrimack county superior court.
29 The clerk of said court shall forthwith enter judgment thereon and such judgment may be enforced
30 as with any final judgment of the superior court.

31 679:17 Staff. The board shall have such clerical, administrative, and technical staff as may be
32 necessary within the limits of the appropriation made therefor.

33 679:18 Office. The board shall be provided with an office in Concord in which its records,
34 documents, and books shall be kept, and with a suitable room in which it may hold hearings.

35 679:19 Neglect to Comply With Board's Orders. Neglect or failure on the part of any
36 municipality to comply with such orders shall be deemed willful neglect of duty, and it shall be
37 subject to the penalties and damages provided by law in such cases.

Amendment to HB 2-FN-A-LOCAL

- Page 6 -

1 3 Salaries Established; Amend RSA 94:1-a, I(b) by inserting in salary grade DD the following
2 new positions:
3 DD housing appeals board member
4 DD housing appeals board chair
5 4 Appropriation; Housing Appeals Board. The sums of \$415,000 for the fiscal year ending June
6 30, 2020 and \$415,000 for the fiscal year ending June 30, 2021 are hereby appropriated to the
7 housing appeals board established pursuant to RSA 679 for the proper administration of said
8 chapter. Said sums shall not lapse until June 30, 2021. The governor is authorized to draw a
9 warrant for said sums out of any money in the treasury not otherwise appropriated.

2019-1862s

AMENDED ANALYSIS

1. Establishes a housing appeals board to hear appeals of decisions of municipal boards, committees, and commissions regarding questions of housing and housing development, and makes an appropriation to the housing appeals board for the administration of the board's duties.

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET						
DHHS - Department-Wide						
	Contact	SOF	FY 2019	FY 2020	FY 2021	Total
<u>HB 1:</u>						
Agency-requested budget adjustments.	Kerrin Rounds	G	\$0	\$1,072	\$1,289	\$2,361
		F	\$0	\$491,704	(\$16,253)	\$475,451
		O	\$0	\$330,000	\$330,000	\$660,000
<u>HB 2:</u>						
None.						

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET						
Lottery Commission						
	Contact	SOF	FY 2019	FY 2020	FY 2021	Total
<u>HB 1:</u>						
<u>Human Resource Position</u>	Senator Rosenwald	O	\$0	(\$57,114)	(\$59,582)	(\$116,696)
Eliminate funding for new human resource assistant III position.						
<u>HB 2:</u>						
No Proposed Changes.						

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET**Police Standards and Training Council**

	Contact	SOF	FY 2019	FY 2020	FY 2021	Total
HB 1:						
Current Expense						
Increase funding in class 020 (current expenses) to cover everyday operating expenses; toilet paper, paper towels, copy paper, office supplies, light bulbs, cleaning supplies, uniforms (police and corrections recruits and PSTC staff), recruit notebooks, postage; vehicle maintenance, lead free frangible ammunition, targets, nurses and EMTs for entrance fitness testing, etc.	Don Vittum, Director / Senator D'Allesandro	GF	\$0	\$7,000	\$9,000	\$16,000
Equipment						
Increase funding in class 030 (equipment) for various items; dorm/classroom furniture, replacement equipment for the use of force simulator, ground fighting pads, push bar, exercise bicycle, handguns and conversion kits for Simunitions training, radar unit, and a laser speed measurement unit.		GF	\$0	\$15,000	\$20,000	\$35,000
HB 2:						
No Proposed Changes.						

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET						
Fish and Game						
	Contact	SOF	FY 2019	FY 2020	FY 2021	Total
<u>HB 1:</u>						
General Fund Support Request to restore general fund support at the level recommended by the Governor	Glenn Normandeau, Executive Director	G	\$0	\$500,000	\$500,000	\$1,000,000
		F&G	\$0	(\$500,000)	(\$500,000)	(\$1,000,000)
OHRV Revenue Inter-Agency Transfer Request to align expenditure class 049 (transfers to other state agencies), which is a transfer to the Department of Natural and Cultural Resources, with anticipated revenues.		O	\$0	\$456,739	\$469,473	\$926,212
<u>HB 2:</u>						
No Proposed Changes.						

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET						
Community College System of New Hampshire						
	Contact	SOF	FY 2019	FY 2020	FY 2021	Total
<u>HB 1:</u>						
<u>IT Infrastructure</u> Move \$3,200,000 in funding relative to improving the System's IT infrastructure, from FY 2020 to FY 2019. See HB 2 amendment below.	Senator D'Allesandro	G	\$0	(\$3,200,000)	\$0	(\$3,200,000)
<u>Finish Line Program</u> Reduce funding relative to the Governor's Finish Line New Hampshire Scholarship Program. See HB 2 amendment below.	Senator Kahn	G	\$0	(\$500,000)	(\$500,000)	(\$1,000,000)
<u>HB 2:</u>						
<u>IT Infrastructure</u> Move \$3,200,000 in funding relative to improving the System's IT infrastructure, from FY 2020 to FY 2019. Amendment 2019-2088s	Senator D'Allesandro	G	\$3,200,000	\$0	\$0	\$3,200,000
<u>Finish Line Program</u> Delete section establishing the Governor's Finish Line New Hampshire Scholarship Program. Amendment 2019-2050s	Senator Kahn	N/A	\$0	\$0	\$0	\$0

Sen. D'Allesandro, Dist 20
May 20, 2019
2019-2088s
04/06

Amendment to HB 2-FN-A-LOCAL

- 1 1 Appropriation; Community College System of New Hampshire. In addition to funds
- 2 otherwise appropriated, there is hereby appropriated to the community college system of New
- 3 Hampshire the sum of \$3,200,000 in the fiscal year ending June 30, 2019, which shall not lapse.
- 4 The governor is authorized to draw a warrant for said sum out of any money in the treasury not
- 5 otherwise appropriated.
- 6 2 Effective Date. This act shall take effect June 30, 2019.

2019-2088s

AMENDED ANALYSIS

1. Makes an appropriation to the community college system of New Hampshire for the fiscal year ending June 30, 2019.

Sen. Kahn, Dist 10
May 17, 2019
2019-2050s
08/05

Amendment to HB 2-FN-A-LOCAL

1 Delete section 155.

2019-2050s

AMENDED ANALYSIS

Delete paragraph 47.

UNAPPROVED

SENATE FINANCE COMMITTEE - BUDGET DECISION SHEET						
University System of New Hampshire						
	Contact	SOF	FY 2019	FY 2020	FY 2021	Total
<u>HB 1:</u>						
No Proposed Changes.						
<u>HB 2:</u>						
No Proposed Changes.						