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2019 SESSION

19-1071.1
08/05

SENATE BILL *[bill number]*

AN ACT establishing a coastal resilience and economic development program.

SPONSORS: [sponsors]

COMMITTEE: [committee]

ANALYSIS

This bill:

- I. Allows municipalities to unify as a result of a climate change emergency.
- II. Allows municipalities to create revitalization districts as a result of a climate change emergency.
- III. Creates coastal resilience and cultural and historic reserve district.
- IV. Creates a coastal resilience and historic reserve district fund.
- V. Creates a coastal resilience and historic reserve commission.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Nineteen

AN ACT establishing a coastal resilience and economic development program.

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

1 1 Findings. It is the policy of the state of New Hampshire to support municipalities in the
2 coastal and Great Bay Estuary Region to prepare for sea-level rise, storm surge, and extreme
3 precipitation.

4 2 New Section; Climate Emergency Municipal Unification. Amend RSA 31 by inserting after
5 section 9-c the following new section:

6 31:9-d Climate Emergency Municipality Unification.

7 I. As a result of sea-level rise, storm surge, and extreme precipitation events, or in
8 anticipation of such events as projected by The Coastal Risk and Hazards Commission final report,
9 "Preparing New Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation,
10 and subsequent Science and Technical Advisory Panel reports under RSA 483-B:22, a municipality
11 may declare a climate emergency and engage in planning for municipality cooperation and for
12 municipal unification. Municipal unification may include the creation of a new municipality
13 incorporating the existing boundaries of such municipalities and the creation of a new, unified
14 governing body. During this process a municipality may declare certain lands as no longer
15 inhabitable or served by municipal resources, and the abandonment of public roadways. Municipal
16 unification shall be approved by legislation by the general court.

17 II. Any municipalities may adopt unification by following the procedures in this section.

18 III. In a town, other than a town that has adopted a charter pursuant to RSA 49-D, the
19 question shall be placed on the warrant of a special or annual town meeting, by the governing body
20 or by petition under RSA 39:3.

21 IV. In a city or town that has adopted a charter under RSA 49-C or RSA 49-D, the
22 legislative body may consider and act upon the question in accordance with its normal procedures
23 for passage of resolutions, ordinances, and other legislation. In the alternative, the legislative body
24 of such municipality may vote to place the question on the official ballot for any regular municipal
25 election.

26 V. If a majority of those voting on the question vote "yes," the municipality may unify,
27 subject to the provisions of paragraphs I and VII of this section.

28 VI. If the question is not approved, the question may later be voted on according to the
29 provisions of paragraph III or IV of this section, whichever applies.

30 VII. The local governing body of any municipality that has unified may consider rescinding
31 its action in the manner described in paragraph III or IV of this section, whichever applies.

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1 3 New Section; Joint Municipal Development and Revitalization Districts. Amend RSA 162-K
2 by inserting after section 15 the following new section:

3 162-K:16 Joint Municipal Development and Revitalization Districts. Municipalities may jointly
4 establish a municipal development and revitalization district that may include land within one or
5 both municipalities using the procedures in this chapter. In such districts, if a business moves from
6 one municipality into another in a shared district due to sea-level rise, storm surge, or extreme
7 precipitation, the municipality of origin may retain benefit from property tax assessment on said
8 business, as determined by the agreement establishing the district.

9 4 New Subdivision; Coastal Resilience and Cultural and Historic Reserve Districts. Amend
10 RSA 12-A by inserting after section 67 the following new subdivision:

Coastal Resilience and Cultural and Historic Reserve Districts

11 12-A:68 Coastal Resilience and Cultural and Historic Reserve District. Municipalities, regional
12 planning commissions, and state agencies may identify lands deemed suitable as a reserve of
13 sufficient elevation and distance from tidal and riverine waters for historic properties and other
14 historic and cultural resources including historic burying grounds. The acquisition of land and the
15 acquisition, removal, restoration, and placement of such resources may be funded by municipal
16 funding, including bonding, private and non-profit donations, funding from the land and community
17 heritage investment trust program established RSA 227-M:7, the conservation number plate fund
18 established in RSA 261:97-b, and funding from the state and federal government. Such districts
19 may be established as a municipal or regional development and revitalization district.
20

21 12-A:69 Coastal Resilience and Historic Reserve District Fund. There is established a
22 nonlapsing fund to be known as the coastal resilience and historic reserve district fund in the
23 department of natural and cultural resources. The fund shall be used for the acquisition of land
24 and the acquisition, removal, restoration, and placement of historic properties and other historic
25 and cultural resources including historic burying grounds in danger of flooding from tidal and
26 riverine waters. The fund shall be managed by the coastal resilience and historic reserve district
27 commission established in RSA 12-A:70.

28 12-A:70 Commission Established.

29 I. The coastal resilience and historic reserve district commission is established. The
30 members of the commission shall be as follows:

31 (a) One representative of the Rockingham planning commission, selected by its director.

32 (b) One representative of the Strafford regional planning commission, selected by its
33 director.

34 (c) One representative of each town or city that borders the Great Bay or Atlantic
35 Ocean, appointed by that town or city's governing body.

36 (d) One member of the senate, appointed by the senate president.

37 (e) One member of the New Hampshire Municipal Association, appointed by its
38 president.

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1 (f) A representative of the division of historic resources, appointed by its director.

2 (g) Three representatives of non-profits museums, historic properties, and historic
3 associations in the seacoast and Great Bay Estuary regions, appointed by the governor.

4 (h) A representative of Historic New England, appointed by its president.

5 (i) A representative of the New Hampshire Old Graveyard Association, appointed by its
6 president.

7 (j) A representative of the Southeastern Land Trust, appointed by its president.

8 (k) A representative of the department of fish and game, appointed by the director.

9 II. Legislative members of the commission shall receive mileage at the legislative rate when
10 attending to the duties of the commission.

11 III. The commission shall:

12 (a) Identify suitable lands for the district.

13 (b) Develop procedures for the creation and management of the district.

14 (c) Solicit funding for and manage the coastal resilience and historic reserve district
15 commission fund.

16 (d) Develop policies governing the acquisition and removal of properties to the district.

17 (e) Develop cooperative agreements with municipalities, regional planning commissions,
18 and others, in the establishment of any related municipal or regional development revitalization
19 district incorporating the coastal resilience and historic reserve district commission.

20 5 New Section; Regional Planning Commissions; Bonding Authority. Amend RSA 36 by
21 inserting after section 49 the following new section:

22 36:50 Bonding Authority. The Rockingham planning commission and the Strafford regional
23 planning commission, as a result of sea-level rise, storm surge, and extreme precipitation events, or
24 in anticipation of such events as projected by The Coastal Risk and Hazards Commission final
25 report, "Preparing New Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme
26 Precipitation, and subsequent Science and Technical Advisory Panel reports under RSA 483-B:22,
27 may establish a coastal resilience fund, to be funded by contributions from municipalities or by
28 bonds, to address current and future regional needs for projects such as, but not limited to, road
29 projects, shared municipal facilities, including wastewater treatment and wastewater systems, and
30 other coastal mitigation and protection projects. Municipalities may jointly establish projects for
31 the purpose of addressing sea-level rise, storm surge, and extreme precipitation events or projected
32 events and establish a common bonding authority under RSA 33.

33 6 Purpose Of Bonds or Notes; Coastal Resilience and Economic Development Program Included.
34 Amend RSA 33:3 to read as follows:

35 33:3 Purpose of Issue of Bonds or Notes. A municipality or county may issue its bonds or notes
36 for the acquisition of land, for economic development, for planning relative to public facilities, for
37 the construction, reconstruction, alteration, and enlargement or purchase of public buildings, for
38 other public works or improvements, or for the financing of improvements, of a permanent nature

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1 including broadband infrastructure as defined in RSA 38:38, I(e), to serve any location within a
2 municipality unserved by broadband as defined in RSA 38:38, I(c) for the purchase of departmental
3 equipment of a lasting character, [and] for the payment of judgments *and including projects in*
4 *the coastal resilience and economic development program established in RSA 12-A:68*. The
5 issuance of such bonds or notes shall include, but not be limited to, public-private partnerships
6 involving capital improvements, loans, financing, and guarantees. The public benefit in any public-
7 private partnership must outweigh any benefit accruing to a private party. Bonds or notes for the
8 purposes of economic development may be issued only after the governing body of the municipality
9 or county has held hearings and presented the public benefit findings to the public and after such
10 issuance has been approved by the legislative body. A municipality or county shall not issue bonds
11 or notes to provide for the payment of expenses for current maintenance and operation except as
12 otherwise specifically provided by law.

13 7 New Subdivision; Coastal Risk and Hazards Preparedness. Amend RSA 228 by inserting
14 after section 115 the following new subdivision:

15 Coastal Risk and Hazards Preparedness

16 228:116 Coastal Risk and Hazards Preparedness. The department of transportation shall
17 establish procedures for the redesign, reconstruction, and potential abandonment of state highways
18 resulting from sea-level rise, storm surge, and extreme precipitation events, or in anticipation of
19 such events as projected by The Coastal Risk and Hazards Commission final report, "Preparing New
20 Hampshire for Projected Storm Surge, Sea-Level Rise, and Extreme Precipitation, and subsequent
21 Science and Technical Advisory Panel reports under RSA 483-B:22. Such procedures shall include
22 the criteria by which affected roadways will be identified and adopted for inclusion in this process.
23 It shall coordinate procedures with affected communities, the Rockingham planning commission,
24 the Strafford regional planning commission, the department of economic development, and with
25 business, real estate, tourism, and other affected economic interests. The process shall also consider
26 mitigation policies and potential funding for owners of affected properties served by such roadways.
27 The final approval for such projects shall be through the New Hampshire legislature, and any
28 funding shall be including in the Ten-Year Highway Plan.

29 8 New Subparagraph; Coastal Resilience and Historic Reserve District Fund. Amend RSA 6:12,
30 I(b) by inserting after subparagraph (343) the following new subparagraph:

31 (344) Moneys deposited in the coastal resilience and historic reserve district fund
32 established in RSA 12-A:69.

33 9 Repeal. The following are repealed:

- 34 I. RSA 12-A:69 relative to the coastal resilience and historic reserve district fund.
35 II. RSA 12-A:70 relative to the coastal resilience and historic reserve district commission.
36 III. RSA 6:12, I(b)(344) relative to the coastal resilience and historic reserve district fund.

37 10 Effective Date.

38 I. Section 9 of this act shall take effect November 1, 2029.

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II. The remainder of this act shall take effect 60 days after its passage.