



2022 Legislative Update



N.H. Municipal Association Annual Conference
November 16, 2022

Natch Greyes, Government Affairs Counsel
Katherine Heck, Government Finance Advisor

Gun Bill Shot Down

- **HB 307**, the troubling bill that would have punished local officials for innocently adopting an ordinance that restricts the possession of guns on town property, died.
- The stumbling block was the Senate’s amendment that had removed the word “use” from the House bill. This amendment meant that the legislation, if passed, would *not* have prevented (and punished) local officials for adopting ordinances regulating or prohibiting the discharge of firearms on public property, such as near protected water sources or on walking trails—an amendment that greatly improved the bill, although NHMA remained opposed.



Anti-Lobbying Bill (HB 1033) Killed

Died in the House



Attorney-Client Privilege Exemption Repeal (HB 1073) Killed

Died in the Senate



“Privacy” Bill (HB 597) Politely Killed

Sent to Interim Study in the Senate

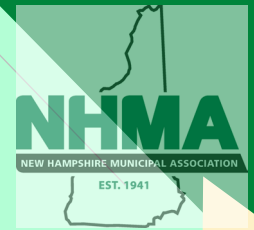
PRIVACY

Remote Meetings: Not This Year



SB 344 Died in the House
(Along with all the other remote meeting bills)

Public Comment Now for School Boards (HB 1195)



- As introduced, required 15-minute period for public comment at the beginning of every public meeting.
- House amended the bill to apply to school boards only.
- Subsequently, bill died. (But, provisions for school board public comment periods were subsequently included in SB 410, Chapter 333.)



Housing Appeals Board

- HB 1307, modifying authority and duties of HAB – Died in Senate.
- HB 1216, repealing HAB – Died in House.
- (In short, no changes to HAB this year.)



Housing Bill Passed (HB 1661, Chapter 272)

- Substantial changes made to some provisions of the land use statutes, including timing of processes, incentives, TIF Districts, etc.
- Two much-discussed changes, include:
 - Section 73: Written Findings – Expands language requiring local land use boards (planning boards, zoning boards of adjustment, historic district commissions, building inspectors, and building code boards of appeal, agricultural commissions, and housing commissions) to provide specific written findings of fact that support an approval or disapproval.
 - Section 72: Incentives – Gives municipalities that offer increased density, reduced lot size, expedited approval, or other dimensional or procedural incentives to housing for older persons until July 1, 2023, to make any adjustments to those incentives before they automatically apply to developments of workforce housing.
- Come to Tomorrow's Training w/BEA for more – “HB 1661 & HB 1021: What Local Land Use Boards Need to Know!”



Land Use Bills that Died

SB 249, allowing short-term rentals everywhere.

HB 1068, allowing tiny houses.

HB 1087, 10k sq ft min lot size.

HB 1098, max of 1 parking space per dwelling unit.

HB 1177, allowing fourplexes where public water and sewer.

HB 1219, limiting planning board authority over parking for religious institutions (but see HB 1021).

“Primarily Religious” Use of Land

HB 1021, Chapter 291

No zoning ordinance or site plan review regulation shall prohibit, regulate, or restrict the use of land or structures primarily used for religious purposes;

provided, however, that such land or structures may be subject to objective and definite regulations concerning the height of structures, yard sizes, lot area, setbacks, open space, and building coverage requirements as long as said requirements are applicable regardless of the religious or non-religious nature of the use of the property and do not substantially burden religious exercise.

(Come to Tomorrow’s Training w/BEA for more – “HB 1661 & HB 1021: What Local Land Use Boards Need to Know!”)

Building & Other Codes Updated

HB 1681, Chapter 311

International Building Code [2015] **2018**, the International Existing Building Code [2015] **2018**, the International Plumbing Code [2015] **2018**, the International Mechanical Code [2015] **2018**, the International Energy Conservation Code [2015] **2018**, the International Swimming Pool and Spa Code [2015] **2018**, and the International Residential Code [2015] **2018**, as published by the International Code Council *Inc.*, and the National Electrical Code [2017] **2020**, *as published by the Nation Fire Protection Association, Inc.*, as [amended] *reviewed and recommended* by the state building code review board, *including all amendments reviewed and approved by the board as of November 30, 2021*, and ratified by the legislature in accordance with RSA 155-A:10.

Contact NH Building Officials
Association for Training.



Local Building & Fire Code Amendment Review SB 443, Chapter 242



- Must submit local building code amendments to building code review board & fire code amendments to fire marshal.
- Those state actors will review the amendments and confirm that they do not conflict with state law (which is already prohibited).
- Process for this review is being finalized at the Building Code Review Board



Small Changes to Election Procedures Enacted



- **HB 1457, Chapter 73** – adopts SOS ballot box custody rules into law.
 - Review Current Election Procedure Manual for Guidance.
- **HB 1496, Chapter 201** – allows individuals to request electronic copies of the checklist (in addition to paper copies, which are now allowed).

Hand Counting Bills

- HB 1064 – Hand counting ballots. Died in House.
- HB 1247 – Hand counting folded ballots. Died in House.



Fining Municipalities for Election Officer Negligence

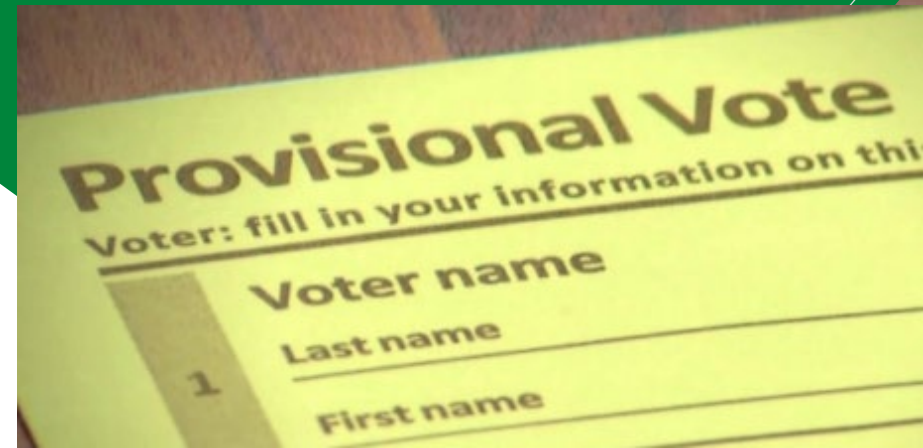
HB 1567/SB 405 – Chapters 327 & 234

Duplicative Bills - allow the attorney general investigate misconduct by an election official, and if convicted, remove the official's right to vote. The bills also authorize the attorney general to impose a civil penalty against the local government entity in which an election official was found to have negligently engaged in misconduct.

Any public officer upon whom a duty relating to elections is imposed who shall negligently fail to perform such duty or who shall negligently perform it in such a way as to hinder the objects thereof, as found pursuant to RSA 666:2, shall cause the county, city, town, school district, village district, or other political subdivision, where such conduct occurred to be subject to a civil penalty of not less than \$250 nor more than \$1,000 for each act.

Provisional Ballots

- SB 418, Chapter 239 requires the creation of provisional ballots for first time registrants who are registering on election day with no identification documents (thus not qualifying for an affidavit or regular ballot).
- Voters who fail to return the necessary identification information to the SOS w/in 7 days will see their votes deducted from vote totals.
- SOS is in process of preparing training on this issue for election workers.



Fluoride Ban Killed



- HB 611 would have prohibited the addition of fluoride to public water supplies.
- Addition of fluoride requires a majority vote of the local legislative body – it is the most local decision of any public health measure – and localities retain that control with the defeat of this bill.

Health Officer Related Bills Killed (Twice)

- HB 1272, would have limited the authority of town health officers.
- HB 1268, would have repealed the authority of cities to enact city ordinances for the well-being of the city.



Vaccine-Related Legislation Largely Failed

HB 1210, Omnibus Vaccine Exemption Bill, failed, leaving municipalities to continue to exercise their rights as employers.



Assessor/ Tax Credit Related Bills

- **SB 312**, Chapter 163, provided that the assessors and the select board, as part of creating an annual revised inventory of taxable property, may correct any errors in existing appraisals.
 - Allows errors in assessments to be corrected on an annual basis rather than requiring the town to wait for the 5-year reappraisal, rectifying the effect of the recent New Hampshire Supreme Court decision in *Merrimack Premium Outlets, et al. v. Town of Merrimack*.
- **SB 317**, Chapter 164, a **NHMA Policy Bill**, reduced the interest rate for abatements of property taxes from six percent to four percent. This reduction reflects the proportional adjustments that the legislature made to the late property tax bill interest rate in 2018.
- **HB 1667, Chapter 121**, created a new definition of veteran for standard, optional and all veterans' for tax credit purposes. The law expands the definition of a veteran to "anyone who has served in the armed forces and continues to serve" and includes state active duty as a qualifying service towards the 90-day requirement under the all veteran tax credit. Municipalities are required to use the new definition for the standard veterans' credit currently set at \$50. For optional and/or all veterans tax credits, the provisions of this law do not apply unless a municipality readopts the local option by a vote of the legislative body. Statute amended: RSA 72:28, IV; 72:28-b, IV. E.D. July 26, 2022.
 - DRA issued Guidance.

HB 1494 – Telephone Company ROW Exemption



HB 1328 -allowed telephone companies to be relieved of their carrier of last resort obligations.



Killed in the Senate

HB 1221, Chapter 189 – One-time 7.5% State Contribution to Retirement System costs for Group I, Teachers and Group II, Police

HB 1417 - Restoring a permanent 7.5% state contribution to the employer's share of NHRS costs.

- Laid on the Table by the Senate

HB 1535, Chapter 203 – COLA one-time payment of \$500 paid by the state.

HB 1587, Chapter 184 - Changes Average Final Compensation for Group II members hired on or after July 1, 2011.

SB 363, Chapter 171 - Group II Service Credits



SB 325

Defines first responders and includes first responders in the definitions of emergency management and local organization within the division of homeland security and emergency management. RSA 21-P:35

- *"First responders" means state, county, and local governmental and nongovernmental emergency public safety fire, law enforcement, public safety telecommunications or dispatcher, emergency response, emergency medical services providers including hospital emergency facilities, emergency management, public health, clinical care, public works, and other skilled support personnel, such as equipment operators, that provide immediate support services necessary to perform emergency management functions.*

HB 536

relative to death benefits for public works employees killed in the line of duty, and relative to workers' compensation offsets for certain retirement system benefits.

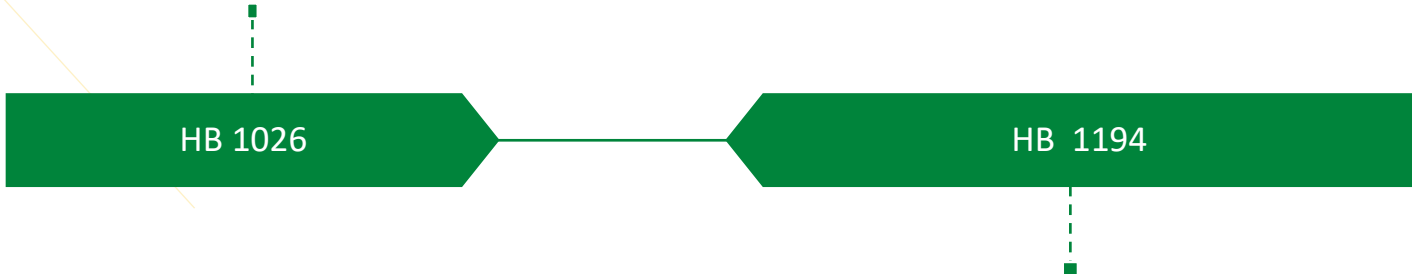
- This bill establishes a state death benefit for a municipal or state public works employee killed in the line of duty. The bill also eliminates the offset for workers' compensation benefits applicable to group I accidental death benefit annuities in state retirement system.

Default Budget Recalculation Bill Killed (HB 1070)

G1481 Mogale City - Table A2 Budgeted Financial Performance (revenue)

Standard Classification Description	Ref	2005/06	2006/07
R thousand	1	Audited Outcome	Audited Outco
Revenue - Standard			
<i>Municipal governance and administration</i>		190,648	255,1
Executive and council		2	
<i>Mayor and Council</i>		2	
<i>Municipal Manager</i>		-	
Budget and treasury office		-	58,1
Corporate services		190,646	197,0
<i>Human Resources</i>		2,100	1,8
<i>Information Technology</i>		1,042	
<i>Property Services</i>		1,811	10,8
<i>Other Admin</i>		185,693	184,4
<i>Community and public safety</i>		26,779	19,4
Community and social services		6,061	4,8
<i>Libraries and Archives</i>		62	2
<i>Museums & Art Galleries etc</i>		2	
<i>Community halls and Facilities</i>		128	1
<i>Cemeteries & Crematoriums</i>		1,513	1,8
<i>Child Care</i>		-	
<i>Aged Care</i>		-	
<i>Other Community</i>		-	

HB 1026 – “Active Spreadsheet Format” for Municipal Budgets Committees. Killed



HB 1194-This bill would have required a 3/5 majority vote, by written ballot, of a town meeting to approve any appropriation that would cause the amount of local taxes raised to exceed the town’s tax cap. Killed



Finance Bills

- SB-343- establishing a committee to study room occupancy tax revenues and fees and the formula for distribution to municipalities. *Killed.*

- HB 1204, Meals & Rooms Increase Percent/Decrease Tax Bill. *Interim Study.*

- SB 437, local option fee for municipal transportation. *Killed.*

- SB 338, local option municipal occupancy fee. *Killed*

- HB 1665, establishing a municipal road and bridge disaster relief fund. *Interim Study.*



- SB 402 and SB 409, relative to
- disaster relief loans. *Passed*
 - SB 402, Chapter 339, allows the director of the division of homeland security and emergency management, with the approval of the fiscal committee, the governor, and the executive council, to disburse financial assistance to municipalities affected by federally-declared disasters in certain circumstances.
 - SB 409, Chapter 236, modifies the circumstances under which the governor may approve exceptional disaster relief loans. RSA 21-P:37-c.



Compliance

- HB 1318, Chapter 191, establishes penalties for non-compliance with NHRS reporting requirements.
- SB 239, Chapter 127, establishes a fine for noncompliance with municipal audit requirements.

Broadband

- **SB 273**, Chapter 183, allows a special meeting for broadband bonds.
- **SB 445**, Chapter 280, \$122 million for broadband matching grants using ARPA funds.





State-Aid/ Property Tax Relief

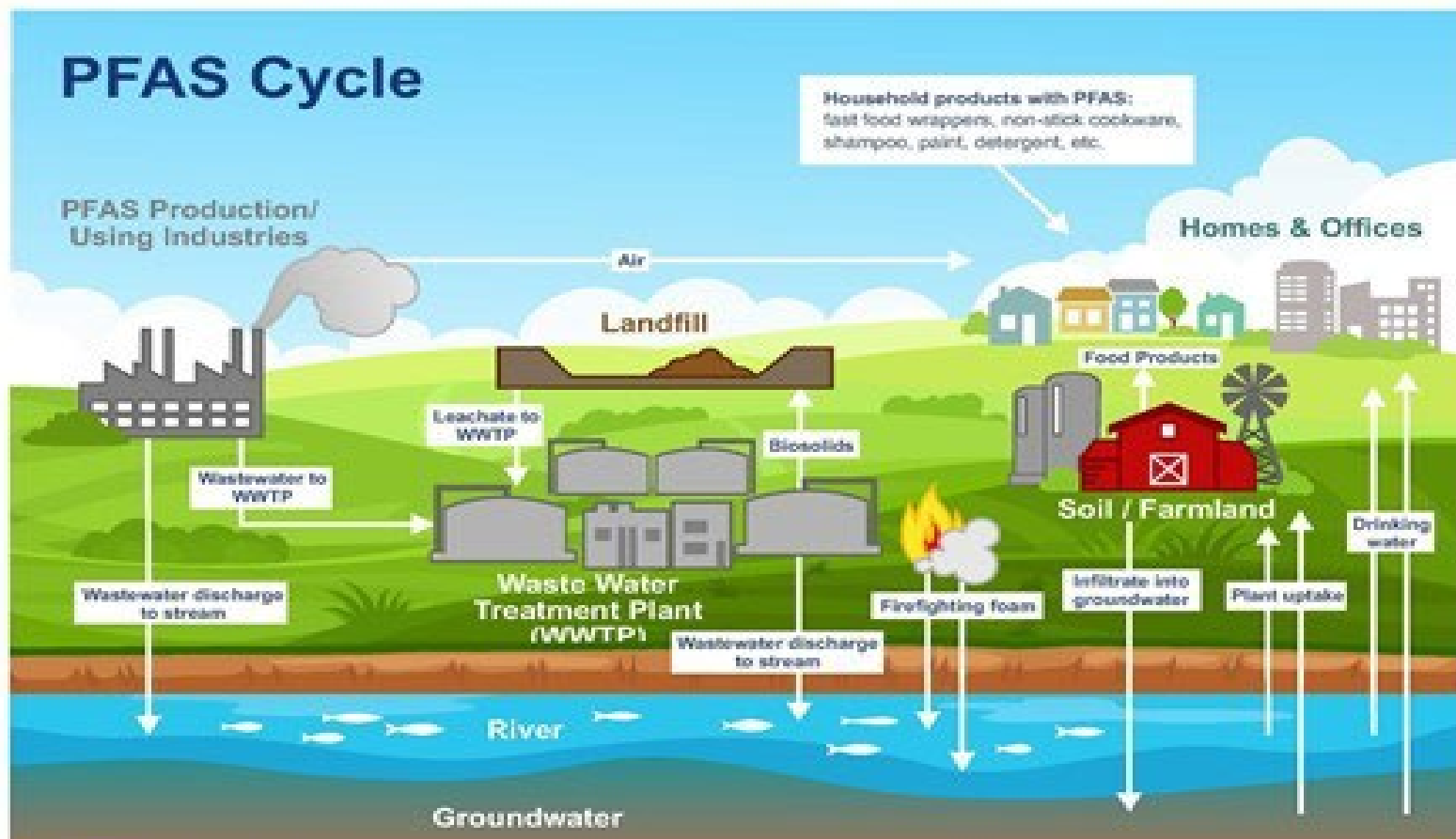
SB 401, Chapter 338, Using state general fund surplus generated in fiscal year 2022:

- \$36 million in municipal bridge aid;
- \$30 million in municipal highway block grants;
- \$1 million toward the body worn and dashboard camera fund.

SB 420, Chapter 318, establishes “extraordinary need grants” for schools.

PFAS Fund Further Funded (HB 1547, Chapter 326)

- \$25 million added to the existing perfluorinated chemical (PFAS) remediation loan fund. This new infusion of state dollars would increase the total loan fund from \$50 million to \$75 million and provide additional relief to cities and towns as they work to address PFAS chemicals in their water systems.



“Forgotten” Wastewater Projects Funded (HB 398, Chapter 19)



**HB 412 - Funding
Water Projects - *Killed***

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 NH 2023 **LSR 2023-0033**



relative to the operation of certain homeowners' associations.

 Laurel Stavis  Latha Mangipudi  Chuck Grassie

[Track Bill](#)

 NH 2023 **LSR 2023-0055**



relative to the transfer of residential property.

 Joshua Adjutant  Chuck Grassie  Peter Petrigno

[Track Bill](#)

 NH 2023 **LSR 2023-0019**



enabling municipalities to adopt rental practice regulations.

 Ellen Read  Eric Gallager

[Track Bill](#)

 NH 2023 **LSR 2023-0081**



relative to requiring towns and school districts to use warrant articles for lobbying agents.

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NH 2023 LSR 2023-0081
relative to the operation of the

Laurel Stavis

Track Bill

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relative to the transfer of

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What's Next: 2023

- Final bill lists should come out sometime in December.
- Hot topics, so far:
 - Anti-Lobbying Bill
 - LSR 2023-0081
 - Right-to-Know Law
 - Voluminous Records Requests
 - Remote Meetings
 - Land Use
 - “Primarily Religious” Land Use Fix Bill - LSR 2023-0183
 - Housing/Zoning Bills
 - State Aid, Budget, and Retirement Contribution
- Remember to Sign-Up for NHMA’s Legislative Bulletin!



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***for joining us
today!***

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