

LEGISLATIVE BULLETIN

House and Senate to Convene

Happy New Year!

This Legislative Bulletin provides some more information on bills that have been introduced for the New Hampshire General Court's 2020 session, including a continued listing of all the bills we have identified so far that could affect local government. (See our [December 19 Legislative Bulletin](#) for the beginning of the list.) Once the legislature begins scheduling hearings, there will be little time to get organized, so please start checking out the legislation, contacting your representatives and senators, and contacting NHMA with any questions.

As mentioned in the [December 19 Bulletin](#), the House and Senate will convene (separately) on Wednesday, January 8, to begin the 2020 legislative session. On that day (and continuing on January 9 in the House), they will take action on bills from 2019 that were retained (in the House) or re-referred (in the Senate). The December 19 Bulletin also contains a description of the retained/re-referred bill process.

Retained and Re-Referred Bills

To our knowledge, there is no published list of all the retained and re-referred bills, but you can find a list of those of most interest to municipalities in our [June 21, 2019, Legislative Bulletin](#) (page 4). Also, if you do a search for all 2020 bills on the [General Court website](#) (under "Find a 2020 Bill," leave the field blank and click on the search icon), the resulting list will include both retained/re-referred bills and new bills. Any House bill with a number below 1000 is a retained bill, and any Senate bill with a number below 400 is a re-referred bill.

The most common committee recommendations on retained and re-referred bills are "inexpedient to legislate" and "refer for interim study," and most of them will meet one of those fates. Some, however, are recommended for passage. In most cases, these bills were retained/re-referred in the originating chamber; if they are passed, they will cross over to the other chamber for hearing and final action, so further work can be done on them if needed. Here are a few of them. (Note that for all bills except **SB 159**, the proposed amendment replaces the entire bill, or everything except the effective date.):

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- **HB 311**, relative to sober living facilities (Ought to Pass with **Amendment**)
- **HB 501**, relative to a cost of care fund to assist municipalities caring for animals during animal cruelty cases (Ought to Pass with **Amendment**)
- **HB 655**, allowing towns to regulate “disorderly houses” (Ought to Pass with **Amendment**)
- **SB 152**, relative to third-party inspections conducted pursuant to a planning board approval (Ought to Pass with **Amendment**)
- **SB 113**, relative to municipal authority regarding the state building code (Ought to Pass with **Amendment**)
- **SB 159**, relative to net metering (Ought to Pass with **Amendment**)

Committee Hearings Begin January 14

House and Senate committee hearings will begin the week of January 13, and it’s fair to expect that it will be a packed hearing schedule. Hearing dates and times have not been announced publicly yet, but we know they will begin on Tuesday, January 14; hearing schedules will appear in next Friday’s House and Senate calendars. Check the calendar section in next Friday’s Legislative Bulletin for a full schedule of hearings on bills of municipal interest.

More Bills, and More to Come

As of this writing, about 700 new bills have been released, and the spigot has not been shut off yet. Based on the number of LSRs (legislative service requests) that were filed, there may be over 100 more to come. Here are just a few that are likely (we hope!) to spark significant interest among local officials:

PFAS Funding. Although there are a number of PFAS-related bills this year, we think **SB 496** deserves the most attention. **SB 496** provides that the state will pay 40% of any capital costs and 40% of any disposal costs required to comply with the maximum contaminant limits for perfluorinated chemicals (PFAS). An additional 10% contribution will be provided if the cost of compliance would result in user fees that are 20% above the statewide average for residential customers. We hope this will help solve some of the cost issues that are currently being litigated in *Plymouth Village Water & Sewer District et al. v. Scott*, No. 217-2019-CV-650. (Note: NHMA has received the superior court’s permission to file an *amicus* brief in the case).

NHRS benefit increases. Several bills propose to increase pension benefits provided by the New Hampshire Retirement System (NHRS), thereby increasing both the current \$5 billion unfunded liability and employer contribution rates. **HB 1341** proposes to reverse several of the group II retirement reforms enacted in 2011 by making those reforms apply only to new hires or to those who vest after July 1, 2021, rather than July 1, 2012. The fiscal note for this bill states that the proposed changes will increase the unfunded liability by approximately **\$142 million**, which will be paid by employers over the next 20 years through increased contribution rates for police and firefighters. **HB 1205** seeks to change the time of the 10% NHRS pension reduction from age 65 to the member’s full retirement age under Social Security, which is up to age 67 depending on year of birth. The fiscal note for this bill estimates the cost to be approximately **\$37 million**, again increasing the unfunded liability and the employer rates for teachers and employees. The bill as written only applies to those group I members who retire after July 1, 2020.

Zoning mandates. Our December 19 Bulletin mentioned two important zoning bills that we were expecting but had not seen yet. They have now been released. **SB 458** prohibits any city or town from using its zoning authority to prohibit or regulate short-term rentals, and **SB 482** requires all municipalities to allow “tiny houses” as a matter of right in all districts that permit single-family dwellings.

Right-to-Know Law. As always, there are a number of proposed changes to the Right-to-Know Law, some good and some not so good. The following is just a partial list: **HB 1169** eliminates the requirement that all votes be taken by roll call when a member of a public body is participating in a meeting by telephone or other electronic means. **HB 1170** adds a definition of “reasonably described” for purposes of the requirement that any governmental record “reasonably described” be made available upon request. **HB 1202** requires a public body to give a person 48 hours’ notice before a nonpublic session for a discussion that may adversely affect that person’s reputation, and gives the person a right to appear, speak, have an attorney present, and record the session. **HB 1307** allows a public agency to require payment for personnel costs if the time required to produce records for one requester exceeds five hours in a calendar month. **HB 1325** requires a public body to keep a list of all non-public sessions where the minutes or decisions were determined not to be subject to full disclosure, including the date and time of the session, the exemption that allowed the body to meet in nonpublic session, and the date of the decision to withhold the minutes or decisions from public disclosure.

Housing appeals board. At least one bill, **SB 487**, would repeal the housing appeals board law that was enacted last year but has not yet taken effect. The list of LSR titles suggests that there is at least one other similar bill in the pipeline. Another bill, **SB 536**, would establish a committee to study the board, but would not eliminate the board.

Labor bills. Both **HB 1399** and **SB 448** would enact a so-called “card check” provision that allows a bargaining unit of public employees to choose an employee organization as its exclusive representative by majority written authorization, without following the current process of an election supervised by the Public Employee Labor Relations Board (PELRB). **HB 1290** does not go that far, but it would allow an employee to vote in the PELRB election by mail. **HB 1554** would require a new election after a bargaining unit is certified once the number of members within the bargaining unit who did not vote in the previous election exceeds the number who did. And **HB 1181** would authorize the PELRB to award damages for pain and suffering upon finding that an employer or union has committed an unfair labor practice.

Again, this is just a small sampling of the bills that could have significant impacts on municipalities. Please watch these pages for information on other bills.

New House Bills

HB 1603-FN establishes the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan program and fund. Rep. Cushing of Hampton; **RR&D**.

HB 1604 expands the definition of “agricultural/industrial vehicle” to include vehicles used to maintain public recreational areas. Rep. Yokela of Fremont; **TRANS-H**.

HB 1607-FN provides that an employee shall be immune from civil or criminal liability for any act performed as part of the employee’s official scope of duty in which the employee unintentionally violates the law. Rep. Radhakrishnan of Amherst; **JUD-H**.

HB 1612-FN allows utility terrain vehicles to be registered for operation on roadways where the posted speed limit is 45 miles per hour or less. Rep. McWilliams of Concord; **TRANS-H**.

HB 1615-FN requires all public libraries to conduct a criminal record check on any person under consideration by the library to participate in a library-sponsored event or program who will have contact with minors. Rep. Flanagan of Brookline; **M&CG**.

HB 1620-FN establishes a fine for parking a motor vehicle other than a plug-in-hybrid vehicle or battery electric vehicle in a parking space that has a public electric vehicle charging station. Rep. Cleaver of Nashua; **TRANS-H**.

HB 1629-FN mandates specific training requirements for members of a zoning board of adjustment or planning board, modifies deadlines for planning and zoning board decisions, modifies the appeals process for zoning decisions, and provides for fee shifting and posting of bond in appeals to superior court from decisions of land use boards. Rep. Griffith of Manchester; **M&CG**.

HB 1631-FN-LOCAL provides that funds collected from hydro-electric generation facilities pursuant to the utility tax in RSA 83-F shall be distributed to the municipalities where the facility is located or otherwise subject to taxation for the purpose of funding education in such municipalities. Rep. Abbott of Hinsdale; **M&CG**.

HB 1632-FN-A-LOCAL permits tax increment finance districts to be used to increase workforce housing and other residential development, increases the community revitalization tax relief incentive period for eligible housing projects under RSA 79-E, establishes the New Hampshire housing champion certification program and authorizes business profits tax revenue sharing with New Hampshire housing champion municipalities, and enables the business finance authority to issue New Hampshire advantage bonds to finance economic development projects in municipalities that have achieved the New Hampshire housing champion certification. Rep. Alexander of Goffstown; **M&CG**.

HB 1634-FN exempts a retirement system retiree's part-time employment with a different employer from the 28-day waiting period for part-time employment following retirement. Rep. Petrigno of Milford; **ED&A-H**.

HB 1644-FN prohibits a state, county, or municipal agency from requiring that an individual disclose the individual's race or religion on an agency form, application, or other document. Rep. Vann of Peterborough; **ED&A-H**.

HB 1648-FN permits adults to cultivate and possess small amounts of cannabis, hashish, and certain cannabis-infused products. Rep. McGuire of Epsom; **CJ&PS**.

HB 1649-FN-A establishes a road usage fee for motor vehicles registered to travel on New Hampshire roads based on the equivalent miles per gallon of the vehicle. Rep. Major of Plaistow; **PW**.

HB 1650-FN-A-LOCAL provides for an annual adjustment to motor vehicle registration fees to take into account gross vehicle weight and vehicle miles traveled, and directs the department of transportation to use part of the funds generated through vehicle registration for implementation of Type II noise abatement projects. Rep. Somssich of Portsmouth; **PW**.

HB 1651-FN amends the absentee voter application form and absentee voting affidavits to make clear that certain persons confined to penal institutions may vote by absentee ballot. Rep. Andrew Bouldin of Manchester; **EL**.

HB 1652-FN-A adds sales of ski area lift tickets to the meals and rooms tax and directs that the revenues collected are used for education programs for state prisoners or deposited in a scholarship fund. Rep. Thompson of Harrisville; **W&M-H**.

HB 1653-FN modifies the definition of domicile for voting purposes, modifies forms and procedures for voter registration, and removes the requirement that the secretary of state conduct post-election voter registration inquiries. Rep. Horrigan of Durham; **EL**.

HB 1661-FN-LOCAL provides that no electric generating plant that uses fossil fuels or generates high level radioactive waste shall be eligible for the property tax exemption for water and air pollution control facilities under RSA 72:12-a. Rep. Cushing of Hampton; **ST&E**.

HB 1663-FN-A-LOCAL establishes procedures for the legalization, regulation, and taxation of cannabis and for licensing and regulation of cannabis establishments, and provides that a portion of the revenue from the taxation of cannabis will be distributed to municipalities. Rep. Knirk of Freedom; **CJ&PS**.

HB 1664-FN gives the department of environmental services the authority to establish a climate action plan, an office of the environmental advocate, and an oversight commission on environmental services. Rep. Thompson of Harrisville; **ST&E**.

HB 1665-FN-A establishes an independent redistricting commission. Rep. M. Smith of Durham; **EL**. **NHMA Policy**.

HB 1668-FN-LOCAL permits persons with disabilities to vote at any time within the 30 days immediately preceding an election. Rep. Komi of Manchester; **EL**.

HB 1672-FN allows all voters to vote by absentee ballot regardless of reason. Rep. Rogers of Concord; **EL**.

HB 1673-FN adds all entities that receive a material portion of their income from state funding to the definition of "public body" under the right-to-know law. Rep. McGuire of Epsom; **JUD-H**.

HB 1684-FN-A-LOCAL establishes a state energy conservation loan program, an energy conservation project fund, and the state PACE reserve fund. Rep. Mangipudi of Nashua; **ST&E**.

HB 1685-FN establishes a procedure for appointment of special conservators of the peace. Rep. Sylvia of Belmont; **JUD-H**.

HB 1689-FN requires that minutes of meetings in nonpublic session shall be verbatim. Rep. Yokela of Fremont; **JUD-H**.

New Senate Bills

SB 414 changes the formula for the distribution of highway funds in the Woodsville fire district and the town of Haverhill. Sen. Giuda of Warren; **TRANS-S**.

SB 417 provides that a public employee bargaining unit may negotiate wages, terms, and conditions specific to that bargaining unit and that one bargaining unit shall not be forced into impasse proceedings by the declaration of impasse by another bargaining unit. Sen. Cavanaugh of Manchester; **COM-S**.

SB 419 allows founding organizations of existing pooled risk management programs to obtain certain coverage through the risk pool if the governing board approves their participation. Sen. Cavanaugh of Manchester; **COM-S**.

SB 422 permits all voters to change registration at primary elections and makes certain changes to the party change card. Sen. Chandley of Amherst; **EL&MA**.

SB 423 changes the timeline for declarations of candidacy of charter commission members. Sen. D'Allesandro of Manchester; **EL&MA**.

SB 424-LOCAL establishes a property tax exemption for leased solar energy systems located on residential property. Sen. Bradley of Wolfeboro; **EL&MA**.

SB 425-LOCAL requires that copies of all deeds, mortgages, and other conveyances of real estate be accessible by towns and cities for tax purposes at no charge or fee. Sen. Carson of Londonderry; **EL&MA**.

SB 426 provides that incarcerated individuals do not have a right to in-person inspection of governmental records stored outside the correctional facility. Sen. Chandley of Amherst; **EL&MA**.

SB 428 includes notice to the rivers coordinator of terrain alterations by utility providers. Sen. D'Allesandro of Manchester; **ENR**.

SB 448 requires the public employee labor relations board to certify an employee organization which receives a majority written authorization for the purpose of collective bargaining. Sen. Feltes of Concord; **COM-S**.

SB 451-FN establishes an administrative hearing procedure and penalty for an employer who fails to make payment of wages or fails to secure workers' compensation coverage. Sen. Feltes of Concord; **COM-S**.

SB 456 permits capital reserve funds of counties, towns, districts, and water departments to be used for financing the cost of leases of equipment. Sen. Bradley of Wolfeboro; **EL&MA**.

SB 457-LOCAL provides for the establishment of communications districts. Sen. Dietsch of Peterborough; **EL&MA**.

SB 458 prohibits municipalities from prohibiting or regulating short-term rentals and authorizes towns to regulate disorderly houses. Sen. Bradley of Wolfeboro; **EL&MA**.

SB 459 defines areas where broadband providers do not respond to certain municipal requests as unserved, and allows E911 services to share broadband information with municipalities. Sen. Bradley of Wolfeboro; **EL&MA**.

SB 460 permits municipalities to attach a lien against certain real estate after a code enforcement official issues a cease and desist order but before a district court judge enters a judgment sustaining or vacating the order. Sen. Birdsell of Derry; **EL&MA**.

SB 461 permits cemetery trustees to expend the income of trusts for the construction of columbaria. Sen. Birdsell of Derry; **EL&MA**.

SB 463 defines how certain payments of electric utility customers in municipal aggregations shall be applied. Sen. French of Franklin; **ENR**.

SB 464 establishes a committee to study the release of state land for the northern section of the Conway bypass. Sen. Bradley of Wolfeboro; **ED&A-S**.

SB 469 repeals and reenacts the statute governing shooting ranges and subjects an owner or operator of a shooting range to civil and criminal liability for violation of noise ordinances or damage to persons or property caused by the operation of a shooting range. Sen. Dietsch of Peterborough; **JUD-S**.

SB 470 requires the reporting of law enforcement misconduct to the police standards and training council. Sen. French of Franklin; **JUD-S**.

SB 475 enables municipalities to adopt a credit against education property taxes assessed on certain densely-built workforce housing. Sen. Bradley of Wolfeboro; **W&M-S**.

SB 476 prohibits towns and cities from restricting public parking to local residents within 80 feet of a public boat access. Sen. Dietsch of Peterborough; **EL&MA**.

SB 479 establishes a committee to study state and municipal regulation of food trucks. Sen. French of Franklin; **COM-S**.

SB 482 requires municipalities to allow “tiny houses” in all residential districts and establishes certain building, safety, and sanitation requirements for tiny houses. Sen. Fuller Clark of Portsmouth; **EL&MA**.

SB 483 requires educational organizations to file an annual statement of financial condition with the municipality to establish its eligibility for tax exemption. Sen. Gray of Rochester; **EL&MA**.

SB 484 establishes a commission to study payments in lieu of taxes by tax-exempt organizations. Sen. Gray of Rochester; **EL&MA**. **NHMA Policy**.

SB 485 clarifies the circumstances under which certain persons are disqualified from performing certain duties of an election official. Sen. Gray of Rochester; **EL&MA**.

SB 487 repeals the provisions establishing the housing appeals board in RSA 679 and establishes a statutory commission to advance affordable housing options in New Hampshire. Sen. Fuller Clark of Portsmouth; **EL&MA**.

SB 488 requires that town and city clerks make absentee ballot voter lists available for public inspection. Sen. French of Franklin; **EL&MA**.

SB 489 establishes procedures for the verification of certain mail-in absentee voters. Sen. French of Franklin; **EL&MA**.

SB 491 clarifies the definitions of shoreland frontage, structure, and pervious surface and makes changes to the minimum shoreland protection standards regarding such subjects. Sen. Fuller Clark of Portsmouth; **ENR**.

SB 493-FN-A increases the register of deeds fee used to support the land and community heritage investment program and also establishes a committee to study the economic impact of land conservation and to review the LCHIP surcharge. Sen. Fuller Clark of Portsmouth; **ENR**.

SB 496-FN allows aid to municipal water systems to achieve compliance with maximum contaminant limits for perfluorinated chemicals. Sen. Watters of Dover; **ENR**.

SB 508 allows an action based on the sexual assault or incest statutes to be commenced at any time, including an action against a governmental unit. Sen. Fuller Clark of Portsmouth; **JUD-S**.

SB 511 provides that the formula used by the department of revenue administration and current use board to determine current use tax rates shall not be considered confidential. Sen. Giuda of Warren; **W&M-S**.

SB 516 establishes a standard property tax credit of \$50 for active duty military personnel and enables municipalities to adopt an additional optional credit of up to \$750. Sen. Dietsch of Peterborough; **EL&MA**.

SB 518 adds a requirement for low-moderate income community solar projects receiving credits through group host net energy metering, adds qualifying storage systems to limited electrical energy production, allows for the purchase of output of limited producers of electrical energy by the private sector, exempts street lighting property and equipment used for public, governmental functions or services from property taxation, and defines how certain payments of electric utility customers in municipal aggregations shall be applied. Sen. Feltes of Concord; **ENR**.

SB 530 clarifies the application of municipally enabled property tax exemptions for solar, wind, woodheating, and electrical storage systems. Sen. Fuller Clark of Portsmouth; **EL&MA**.

SB 536 establishes a committee to study the housing appeals board. Sen. Morse of Salem; **EL&MA**.

SB 538 establishes a commission to study property tax exemptions for charitable organizations. Sen. Levesque of Brookline; **EL&MA. NHMA Policy**.

SB 543-FN allows certain department of corrections officials to continue to be classified as group II members in the New Hampshire retirement system. Sen. Reagan of Deerfield; **ED&A-S**.

SB 559 permits municipalities to consider areas unserved if broadband providers fail to respond to a request for information within 2 months, or if the transmission rates fail to meet a telecommunications capability as defined by section 706 of the Telecommunications Act of 1996. Sen. Kahn of Keene; **EL&MA**.

SB 560-LOCAL limits how frequently a Keno question may be placed on a municipal warrant or ballot. Sen. Kahn of Keene; **EL&MA**.

SB 561 allows a town, by vote of the town meeting, to authorize appointment, rather than election, of the town clerk. Sen. Kahn of Keene; **EL&MA. NHMA Policy**.

SB 562 allows municipalities to adopt a program for tax relief for repairs and updates of affordable older homes under the community revitalization tax relief program. Sen. Kahn of Keene; **EL&MA**.

SB 563 enables towns to authorize the issuance of bonds or notes by a 3/5 majority vote of the town meeting. Sen. Kahn of Keene; **EL&MA**.

SB 573 requires the chief of police of a municipality to report all criminal threats to school safety in the municipality to the director of the division of state police. Sen. Kahn of Keene; **JUD-S**.

2020 NHMA UPCOMING MEMBER EVENTS

Jan. 6	Webinar: 2020 Legislative Preview
Jan. 11	2020 Moderator's Workshop for SB 2 Meeting (NHMA Offices, Concord)
Jan. 20	Martin Luther King Day (NHMA Offices Closed)
Jan. 21	Right-to-Know Law Workshop for Law Enforcement (NHMA Offices, Concord)
Jan. 29	Webinar: Is Recycling Still Worthwhile in New Hampshire?
Feb. 15	2020 Moderator's Workshop for Traditional Meeting (NHMA Offices, Concord)

To register for an upcoming event, go to our website: www.nhmunicipal.org and click on the Events & Training tab at the top to access the Full Calendar.

For more information, please call NHMA's Workshop registration line: (603) 230-3350.