

LEGISLATIVE BULLETIN

Retirement Bills – Municipal Official Testimony is Critical

Retirement bills being heard in both the House and Senate next week would help offset the aggregate **19.6 percent increase** in employer contributions effective on July 1, 2021, and restore a portion of the state’s original 35% contribution to political subdivision retirement costs. Two of these bills are **NHMA policy bills**. Without the state’s contribution to fund the employer rates, which includes the amortization of the \$6.04 billion unfunded liability costs, political subdivision employers are facing an unprecedented increase in Fiscal Year 2022 costs, estimated at approximately **\$78 million**. The House and Senate bills would require a state contribution, at 5 percent and 15 percent, respectively.

Testimony and attendance at the remote hearings are strongly encouraged. Instructions for participating remotely are below – see “Gathering Momentum.” Also please contact committee members and encourage them to support **HB 274** and **SB 72**.

The [House Executive Departments and Administration Committee](#) has scheduled hearings on **Wednesday, January 27**, as follows:

- **11:00 a.m.** – **HB 274**, the “*Property Tax Relief Act of 2021*,” is an **NHMA policy bill** that would require the state to pay **5 percent** of political subdivision employer contributions for teachers, fire, and police member employees.
- **2:30 p.m.** – **HB 390** would extend the 30-year amortization period for the retirement system’s unfunded liability for 5 years, from 2039 to 2044. Although political subdivisions would realize savings through reduced contribution rates through 2039, the bill’s fiscal note reports a net increase in total payments, due to the additional 5 years, of \$1.4 billion.

The [Senate Finance Committee](#) has scheduled a hearing on **Thursday, January 28**, at **9:45 a.m.**, on **SB 72**, the “*Taxpayer Rescue Act of 2021*.” This is also an **NHMA policy bill**; it would require the state to pay **15 percent** of political subdivision employer contributions for teachers, fire, and police member employees.

NHMA Legislative Bulletin 04
January 22, 2021

Inside this issue:

Town Meeting Postponement	2
Budgets and Land Use	2
RTK Bills	3
Tax Caps	3
Gathering Momentum	3
House Calendar	4
Senate Calendar	5
New House Bills	6
New Senate Bills	7
NHMA Events	8

GOVERNMENT AFFAIRS CONTACT INFORMATION

Margaret M.L. Byrnes
Executive Director

Cordell A. Johnston
Government Affairs Counsel

Becky I. Benvenuti
Government Finance Advisor

Natch Greyes
Municipal Services Counsel

Timothy W. Fortier
Communications Coordinator

Pam Valley
Administrative Assistant



25 Triangle Park Drive
Concord NH 03301
Tel: 603.224.7447
EM: governmentaffairs@nhmunicipal.org
Website: www.nhmunicipal.org

Committee Hears Postponement Bill

The House Election Law Committee heard testimony this morning on [SB 2](#), the bill that would provide better options for postponing town meetings/elections in 2021 and allow pre-processing of absentee ballots in this year's town elections. Several local officials spoke in support of the bill, and several others signed in support—thank you all for your efforts!

As this Bulletin went to press, the committee was hearing other bills and had not taken any action on [SB 2](#), and it was unclear whether it would do so today. If not, presumably that will happen in the next few weeks—but we understand that the House will not meet in session again until February 18, which means the full House cannot act on the bill until then. We will keep members posted of any further developments as they happen.

Municipal Budgets, Land Use

The [House Municipal & County Government Committee](#) has scheduled hearings for several bills of interest on **Monday, February 1**. These include:

- **9:30 a.m. – [HB 459](#)**, which would make it illegal for a governing body to “transfer funds within its adopted budget . . . to a general ledger line item of its adopted budget that contains an entry of zero dollars, [or] utilize public funds for the purposes enumerated in such line items.” Among other things, it would also prohibit the creation of any new “general ledger line items” after a budget has been approved; require municipalities to “regularly report in detail” to the Department of Revenue Administration every general ledger line item of its adopted budget that contains zero dollars; give any citizen of the state a civil cause of action against a municipality that violates the bill’s requirements; and make local officials personally liable for violations and subject them to removal from office by the governor.
- **10:00 a.m. – [HB 586](#)**, which makes various changes to land use laws as part of an effort to encourage development of more housing, especially affordable housing. Some of the changes include: requiring the Office of Strategic Initiatives to develop training materials for land use board members; requiring municipalities to publish notice of the fees it charges to land use applicants; requiring municipalities to provide the same incentives for workforce housing that they provide for housing for older persons; expediting the process for land use board applications and appeals; allowing the use of tax increment financing districts for the purpose of creating more housing; and allowing greater flexibility in using RSA 79-E (community revitalization tax relief) for housing development.

There is a lot in [HB 586](#)—far more than we can summarize here, and we encourage land use officials to read it carefully. For those who followed [HB 1629](#) and [HB 1632](#) last year, it is a combination of those bills. We have not had an opportunity yet to do a thorough comparison, but it appears to include most of the components of those bills.

Right-to-Know Law Bills

The [House Judiciary Committee](#) has hearings on several Right-to-Know Law bills next **Tuesday, January 26**. These include:

- **1:00 p.m.** – [HB 481](#), which establishes the office of the Right-to-Know Law Ombudsman and an expedited process for the resolution of complaints under RSA 91-A.
- **2:00 p.m.** – [HB 232](#), which limits the extent to which a public body may discuss the acquisition, sale, or lease of property in a nonpublic session.
- **2:45 p.m.** – [HB 566](#), which provides that (1) a discussion of whether to unseal minutes of a nonpublic session may be held in nonpublic session, and (2) sealed minutes of a nonpublic session to discuss a property transaction will be automatically unsealed after one year unless a majority of the board votes that they should remain sealed.

Tax Caps in City Charters

On **Thursday, January 28, at 9:00 a.m.**, the [Senate Election Law and Municipal Affairs Committee](#) is scheduled to hear [SB 52](#), which amends RSA 49-C:33, I(d), relative to tax caps in city charters. The language of the bill is a little confusing—which is cause for concern in itself—but the intent is to require a supermajority vote to remove items from within the limits of the tax cap. **Officials in any city that has a tax cap provision in its charter should review this bill carefully and determine whether it presents a problem.**

Gathering Momentum

As suggested by the articles above, both House and Senate committees are getting up to full speed in scheduling hearings. Here are a few items of note:

- Attendance and testimony at all hearings is entirely remote (although some House committee members will be physically present in their hearing rooms).
- Because of the logistics of holding remote meetings, hearings are being held Monday through Friday, rather than the traditional Tuesday through Thursday.
- You need to sign up in advance if you want to speak at a hearing.

Each committee will have a Zoom link that is used for its full schedule of hearings on a given day. If you merely want to observe and listen to a hearing, you just need to find the right day and committee on the [House calendar](#) or [Senate calendar](#), click on the link, enter your name and e-mail address, and wait to be admitted to the meeting. As with in-person hearings, there is no guarantee that the hearings will be running on time, so don't necessarily expect that the committee will be on the bill you're interested in if you join exactly on time. You may need to wait a while.

To speak at a hearing, or to register a position without speaking, go to the [House testimony instructions](#) or [Senate testimony instructions](#) (links are on the right side of the [General Court home page](#)). Note that although the instructions look similar, they are not interchangeable—*i.e.*, you must use the House link for a House hearing and the Senate link for a Senate hearing.

The instructions contain a link to sign up for the hearing. When you click on that link, you will be drop-down menus to select the date, the committee, and the bill number. You will also need to provide some basic information about yourself, indicate your position on the bill, and check a box if you want to testify. It is very easy. Please note that you need to sign up at least 30 minutes before the committee’s first hearing of the day (which will not necessarily be your hearing). You can sign up earlier than that, even several days before the hearing.

On the day of the hearing, you will need to go to the Zoom link in the House or Senate calendar (see above) to join the meeting. When it is your turn to speak, the host will “unmute” you. If you were late in signing up (or failed entirely), you will still have an opportunity to speak, as the committee chair will ask before closing the hearing whether anyone else wants to speak, at which point you can “raise your hand” to be recognized—but you really should try to sign up early.

HOUSE CALENDAR

All hearings will be held remotely. See the [House calendar](#) for links to join each hearing.

TUESDAY, JANUARY 26, 2021

HEALTH, HUMAN SERVICES AND ELDERLY AFFAIRS

9:00 a.m. **HB 314**, relative to homestead food operation licensure.

JUDICIARY

1:00 p.m. **HB 481-FN-A**, establishing the office of the right-to-know ombudsman and making an appropriation therefor.

2:00 p.m. **HB 232**, relative to nonpublic sessions under the right to know law.

2:45 p.m. **HB 566**, relative to sealing records in nonpublic session under the right-to-know law.

WEDNESDAY, JANUARY 27, 2021

CRIMINAL JUSTICE AND PUBLIC SAFETY

11:00 a.m. **HB 237-FN-A**, relative to the legalization and regulation of cannabis and making appropriations therefor; **HB 629-FN**, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

10:30 a.m. **HB 619-FN**, designating police and fire dispatchers as group II members of the retirement system.

11:00 a.m. **HB 274-FN-L**, relative to payment by the state of a portion of retirement system contributions of political subdivision employers. **NHMA Policy**.

2:00 p.m. **HB 173-FN**, requiring the independent investment committee of the New Hampshire retirement system to report investment fees.

2:30 p.m. **HB 390-FN-L**, relative to the amortization of retirement system unfunded accrued liability.

THURSDAY, JANUARY 28, 2021

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

11:30 a.m. **HB 348**, requiring a public employer to provide notice of a new or amended collective bargaining agreement.

- 1:00 p.m. **HB 448**, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.
- 3:00 p.m. **HB 231**, relative to workplace lactation rights.

FRIDAY, JANUARY 29, 2021

ELECTION LAW

- 9:30 a.m. **HB 97**, modifying the dates of the state primary and associated filing deadline.
- 10:00 a.m. **HB 98**, relative to the date of the state primary election.
- 10:30 a.m. **HB 537**, relative to the date of the state primary.
- 11:00 a.m. **HB 223**, relative to political party access to a list of absentee ballot requests.
- 11:30 a.m. **HB 505**, allowing voters to vote for multiple candidates for an office.
- 12:00 p.m. **HB 514**, relative to ballot column rotation.

SCIENCE, TECHNOLOGY AND ENERGY

- 11:00 am **HB 169**, establishing a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles.
- 3:00 pm **HB 614-FN**, exempting the state and political subdivisions from payment of the costs of compliance with the renewable portfolio standard.

TRANSPORTATION

- 1:00 p.m. **HB 222-FN**, authorizing New Hampshire municipalities to issue decals for motor vehicle plates to municipal officers.

MONDAY, FEBRUARY 1, 2021

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

- 1:00 p.m. **HB 211-FN**, revising certain benefit provisions in the city of Manchester employees contributory retirement system.
- 1:05 p.m. **HB 356**, relative to the city of Manchester employees' contributory retirement system.

MUNICIPAL AND COUNTY GOVERNMENT

- 9:00 a.m. **HB 340**, permitting the designation of an open container area for the consumption of alcoholic beverages.
- 9:30 a.m. **HB 459**, prohibiting a transfer of funds within an adopted budget to a general ledger line item in such budget that contains an entry of zero dollars.
- 10:00 a.m. **HB 586-FN-A-L**, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.
- 11:00 a.m. **HB 164**, relative to the acquisition, sale, or demolition of municipal land or buildings.

SENATE CALENDAR

All hearings will be held remotely. See the [Senate calendar](#) for links to join each hearing.

MONDAY, JANUARY 25, 2021

ELECTION LAW AND MUNICIPAL AFFAIRS

- 9:00 a.m. **SB 79-FN**, relative to the authority of the moderator to verify the device count.
- 9:15 a.m. **SB 54**, relative to the procedure used to complete and submit applications for absentee ballots and absentee ballots.

9:45 a.m. **SB 47**, modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process.

TUESDAY, JANUARY 26, 2021

COMMERCE

9:00 a.m. **SB 68**, requiring an employer to provide reasonable accommodations for pregnant employees.
9:15 a.m. **SB 69-FN**, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time.
9:30 a.m. **SB 61**, prohibiting collective bargaining agreements that require employees to join a labor union.

WEDNESDAY, JANUARY 27, 2021

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

9:00 a.m. **SB 55**, relative to project labor agreements in government contracts.

WAYS AND MEANS

1:30 p.m. **SB 48**, relative to the formula used to determine current use tax rates.

THURSDAY, JANUARY 28, 2021

ELECTION LAW AND MUNICIPAL AFFAIRS

9:00 a.m. **SB 52**, relative to city charter provisions for tax caps.
9:15 a.m. **SB 53**, enabling municipalities to establish a community preservation and resilience program funded in part through a surcharge on real property.
9:45 a.m. **SB 80-FN-A**, establishing an independent advisory commission on redistricting.

FINANCE

9:45 a.m. **SB 72-FN-A-L**, relative to a state share of retirement system contributions by employers. **NHMA Policy**.

New House Bills

HB 579 requires a law enforcement agency to notify the public when it is informed by a federal law enforcement agency of intent to conduct an immigration checkpoint. Rep. Craig of Lancaster; **CJ&PS**.

HB 585 allows dog owners to pay for a three-year license and reduces the fines for failure to obtain or renew a dog license. Rep. Layon of Derry; **E&A**.

HB 586 provides for free training for members of a zoning board of adjustment or planning board; provides for fee shifting and posting of bond in appeals of decisions of boards of adjustment; 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; and establishes the New Hampshire housing champion certification program in the office of strategic initiatives. Rep. Alexander of Goffstown; **M&CG**.

HB 588 requires any municipality that adopts a zoning ordinance to allow “tiny houses” as a matter of right in all districts that permit single-family dwellings and to allow tiny houses in group park settings of four or more units. Rep. Testerman of Franklin; **M&CG**.

HB 589 amends the definition of "critical exposure" for the purpose of the workers' compensation law. Rep. Cahill of Newmarket; **LABOR**.

HB 590 requires employers to provide paid sick time for employees. Rep. Wallner of Concord; **LABOR**.

HB 597 prohibits government agencies and officials from collecting or using certain personal information and creates a cause of action for any person suffering injury as a result of a violation of the prohibition. Rep. Erf of Weare; **JUD-H**.

HB 601 requires that the privacy of personal information retained by a health or social service agency be protected and prohibits the sharing of such information between such agencies. Rep. Ammon of New Boston; **HHS&EA**.

HB 611 prohibits the introduction of fluoride into any public drinking water system. Rep. Cushman of Weare; **RR&D**.

HB 614 exempts the state and political subdivisions from paying the portion of electricity rates that covers the cost of compliance with the renewable portfolio standard. Rep. Vose of Epping; **ST&E**.

HB 616 requires the posting of a bond when a party appeals the approval of a site plan or subdivision to superior court, and requires the appellant to pay the appellee's attorney fees and "carrying costs" if the appeal is unsuccessful. Rep. Baroody of Manchester; **M&CG**.

HB 618 prohibits the sale or distribution of food service products made of polystyrene foam and gives municipalities the sole authority to enforce the prohibition. Rep. Spang of Durham; **COM-H**.

HB 619 designates police and fire dispatchers as group II members of the retirement system. Rep. Trotter of Belmont; **ED&A-H**.

HB 620 requires law enforcement agencies to gather and report demographic data for arrests, citations, stops, and searches, as well as the rationale given by law enforcement personnel for stops and searches. Rep. Chretien of Manchester; **CJ&PS**.

HB 630 permits public bodies to hold meetings electronically, subject to certain conditions. Rep. McGuire of Epsom; **JUD-H**.

New Senate Bills

SB 48 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 52 provides that city charter exclusions and ordinances that have the effect of an override of a tax cap require a supermajority vote. Sen. Avard of Nashua; **EL&MA**.

SB 53 enables municipalities to establish a community preservation and resilience program and fund through adoption of a surcharge on real property. Sen. Watters of Dover; **EL&MA**.

SB 54 requires that a voter includes a photocopy of his or her valid New Hampshire driver's license,

nondriver's picture identification card, or other identification with the application for an absentee ballot and inside the outer envelope when returning an absentee ballot. Sen. Giuda of Warren; **EL&MA**.

SB 55 provides that the state or a political subdivision shall not require or prohibit participation in a project labor agreement as a condition of participating in a government construction project. Sen. Avard of Nashua; **ED&A**.

SB 61 prohibits collective bargaining agreements that require employees to join or contribute to a labor union. Sen. Reagan of Deerfield; **COM-S**.

SB 64 extends the provisions of the federal Family and Medical Leave Act for COVID-19 related reasons. Sen. Whitley of Hopkinton; **COM-S**.

SB 67 establishes a paid sick leave program. Sen. Whitley of Hopkinton; **COM-S**.

SB 68 requires an employer to provide reasonable accommodations to an employee related to the employee's pregnancy or childbirth. Sen. Hennessey of Littleton; **COM-S**.

SB 69 requires employers to provide access to a sufficient space and a reasonable break period for nursing mothers to express milk during working hours. Sen. Whitley of Hopkinton; **COM-S**.

SB 72 provides that the state shall pay 15 percent of contributions of retirement system employers other than the state for group I teachers and group II members. **NHMA Policy**. Sen. Rosenwald of Nashua; **F-S**.

SB 79 authorizes a moderator to conduct a verification count of machine-counted ballots after the polls have closed. Sen. Sherman of Rye; **EL&MA**.

SB 80 establishes an independent advisory commission on redistricting. **NHMA Policy**. Sen. Sherman of Rye; **EL&MA**.

2021 NHMA UPCOMING MEMBER <u>VIRTUAL</u> EVENTS	
Jan. 27	Webinar: 2021 Legislative Preview (12:00 – 1:00) – Rescheduled from Jan. 6
Jan. 29	Zoom Call with Congressman Pappas – Federal Aid to States and Municipalities [10:00 – 11:00] Registration required.
Feb. 6	2021 Town & School Moderators Workshop (Traditional) (9:00 – 2:00)
Please visit www.nhmunicipal.org for the most up-to-date information regarding our upcoming virtual events.	
For more information, please call NHMA’s Workshop registration line: (603) 230-3350.	