

LEGISLATIVE BULLETIN

Bill Would Allow Remote Meetings

One of the “omnibus” Senate bills (see article below) released this week is **SB 95**, which would allow public bodies to continue meeting “virtually,” much as they have been doing during the COVID-19 pandemic. A hearing on the bill is scheduled for next **Tuesday, February 2, at 1:20 p.m.**, before the Senate Judiciary Committee.

The bill actually contains two competing provisions, only one of which can be enacted. The first option (Part I of the bill) would allow any number of members of a public body to participate in a meeting electronically. It eliminates the provision in current law stating that a member may participate electronically only if physical presence is not “reasonably practical.” It also eliminates the requirement that a quorum be physically present. Thus, any or all members of a public body could participate remotely without preconditions. However, the amended law would still require a physical location where members of the public can hear the discussion.

The second option (Part II of the bill) does everything the first option does, but it goes further. It would allow for fully virtual meetings in all circumstances—any or all members could participate electronically, and there would be no requirement for a physical location. It contains the same requirements that are in [Emergency Order #12](#) about notice and public access, including the obligation to adjourn if the public is unable to get access to the meeting. In short, it would allow public bodies to continue to meet exactly as many of them have been doing for the last 10 months.

We can support either of these options, although the second one provides more flexibility for public bodies, and from all reports, the process it codifies has been working well. Of course, both of them are only optional procedures—no public body would be required to meet remotely, and we assume that most would go back to in-person meetings when they are able to do so safely.

If you have thoughts on this issue, please sign up to speak, or just register your support for the bill, at next Tuesday’s hearing, or contact members of the [Judiciary Committee](#).

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Retirement Bills—An Opportunity to Address A Broken Promise

On Wednesday, the House Executive Departments and Administration Committee heard several retirement bills, including [HB 274](#), “The Property Tax Relief Act of 2021,” an **NHMA policy bill** that would require the state to contribute 5 percent of political subdivision employer contributions for teachers, police, and firefighters. On Thursday, the Senate Finance Committee heard [SB 72](#), the “Taxpayer Rescue Act of 2021,” an **NHMA policy bill** that would require the state to contribute 15 percent of political subdivision employer contributions for teachers, police, and firefighters. The committees heard testimony in the new virtual-hosted hearings in support of both bills from a town and a city, as well as NHMA; and the committees acknowledged receiving numerous other written comments in support.

In introducing the Senate bill, the sponsor underscored the history and importance of towns, cities, schools, and counties being asked to join the state retirement system, with the promise that the state would help defray the employer costs. When the New Hampshire Retirement System was formed in 1967, replacing four smaller, separate retirement systems, the state contributed 40 percent of the total employer costs. The contribution was reduced to 35 percent in 1977, and it stayed at that level until 2010, when the state share was reduced; it was eliminated completely after 2012. Since then, political subdivisions have paid more than \$729 million dollars in additional employer costs, much of which has been downshifted to municipal, county, and local school property tax rates. Eighty percent of the employer contribution rates is the amount required to pay off the retirement system’s \$5.89 billion unfunded actuarial accrued liability (UAAL), which had grown over the years until 2010 when a 30-year amortization of this (UAAL) began. Funding this amortization was shared between the state and political subdivisions until 2013, when the legislature eliminated the state’s contribution.

Although a 5 percent ([HB 274](#)) or 15 percent ([SB 72](#)) contribution, estimated to be \$17.7 million or \$53 million, respectively, in FY 2022, would restore far less than the state’s original 35 percent share (estimated to be \$123.62 million), either bill would provide significant and much-needed relief to political subdivisions and help offset the major employer rate increase that becomes effective July 1.

A third bill, [HB 390](#), which would extend the 30-year amortization period for the retirement system’s unfunded liability for 5 years, from 2039 to 2044, was also heard on Wednesday. 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.

Municipal Budgets, Land Use

As we reported last week, the [House Municipal & County Government Committee](#) has scheduled hearings for several bills of interest this coming **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.

If you have concerns about **HB 459**, please consider speaking at the hearing on Monday (see article below on how to testify); or contact members of the Municipal & County Government Committee and your own representatives.

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 they charge 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, and it includes most of the components of those bills.

Posting “Tentative” Collective Bargaining Agreements

Yesterday the House Labor, Industrial and Rehabilitative Services Committee heard testimony on **HB 348**, which would require a public employer to post notice and an electronic copy of a “tentative agreement on any new or amended collective bargaining agreement” on its website. Testimony on the bill, including NHMA’s, was unanimously in opposition. As municipalities with collective bargaining agreements know, the law already requires that cost items in the agreements be disclosed and discussed prior to ratification by the legislative body, and disclosing drafts of agreements subject to strict timelines could generate voter confusion and delay the ratification process, significantly driving up the costs associated with negotiation. In addition, posting collective bargaining agreements may give voters the false impression that they can either modify those agreements or make decisions relating to the employer-employee relationship. Please contact members of the [Labor Committee](#) and encourage them to find HB 348 Inexpedient to Legislate.

Omnibus Bills

The Senate this week released a small number of new bills that cover a lot of territory. In an effort to achieve some efficiency given the limitations of the electronic hearing process, the Senate combined many bills into a smaller number of “omnibus” bills. Each omnibus bill includes the text of what would otherwise be two or more bills dealing with the same or similar subject matter.

Thus, for example, **SB 95**, discussed above, combines two bills dealing with remote meetings and another dealing with violations of privacy. There is an omnibus bill that combines seven bills relative to renewable energy, utilities, and net metering. There is another that combines four bills dealing with elections. The list of all new bills affecting municipalities appears at the end of this week’s Bulletin.

One small complication of the omnibus approach is that there may be occasions when NHMA and others find themselves supporting one section of a bill and opposing another. The sign-in form allows one to check “support” or “oppose,” but not both. But difficult times call for creative approaches, and we will find a way to manage this. If you are planning to speak or provide written testimony on one of the omnibus bills, be sure to indicate which part(s) of the bill you are addressing; and if you support one part and oppose another, it is important to make that clear in your testimony.

How to Watch/Testify at a Legislative Hearing

The following is a slightly modified version of the instructions we gave last week on attending and testifying at committee hearings. We will continue to include these instructions for the next few weeks. The hearings are running pretty smoothly, but there may be minor changes as the process continues.

Each committee will have a Zoom link and a YouTube link that are 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](#) and click on the Zoom or YouTube link. (If the House calendar does not have YouTube links, you can go to the [House of Representatives' YouTube page](#) and find the right day and committee.) 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.

It is requested that if you are only watching/listening to a hearing and not planning to speak, you use YouTube, rather than Zoom. The fewer people on the Zoom platform, the easier it is for the legislative staff to find those who want to speak and “unmute” them as appropriate.

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 hearings. When you click on that link, you will see 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 speak. It is very easy and should take about two minutes. 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.

Note that you will not receive an acknowledgment that you have registered, nor will you receive a link to join the hearing. Instead, on the day of the hearing, you will need to go to the Zoom link (if you are planning to testify—otherwise use the YouTube link) in the House or Senate calendar (see above) to join the meeting. When the committee chair calls you to speak, you should “raise your hand,” and 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.

If you have any questions, please contact us!

HOUSE CALENDAR

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

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.

SCIENCE, TECHNOLOGY AND ENERGY

11:00 am **HB 410**, establishing a committee to study the requirements of reporting by utility companies of information required for valuation of certain utility property for purposes of RSA 72.

TUESDAY, FEBRUARY 2, 2021

COMMERCE AND CONSUMER AFFAIRS

2:15 pm **HB 343**, relative to billing for ambulance services.

JUDICIARY

1:30 p.m. **HB 126**, relative to notice of execution of tax lien to mortgagees.

WEDNESDAY, FEBRUARY 3, 2021

ENVIRONMENT AND AGRICULTURE

1:00 p.m. **HB 177**, prohibiting the siting of a landfill near a state park.

RESOURCES, RECREATION AND DEVELOPMENT

10:00 a.m. **HB 235**, relative to community small groundwater withdrawal.

1:00 p.m. **HB 271**, relative to standards for per and polyfluoroalkyl substances (PFAS) in drinking water and ambient groundwater.

THURSDAY, FEBRUARY 4, 2021

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

10:15 a.m. **HB 377**, relative to the authority of the state fire marshal to grant an exemption from fire code requirements to recovery houses.

2:15 p.m. **HB 218**, repealing RSA 321 regarding itinerant vendors.

2:30 p.m. **HB 217**, repealing RSA 320 regarding hawkers and peddlers.

LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES

9:00 a.m. **HB 385-FN**, relative to workers' compensation for heart and lung disease in firefighters.

10:00 a.m. **HB 590-FN**, relative to paid sick time.

1:00 p.m. **HB 517-FN**, relative to the state minimum hourly rate; **HB 107**, relative to the minimum hourly rate.

WAYS AND MEANS

1:00 p.m. **HB 181**, relative to the local option for operation of sports book retail locations.

2:00 p.m. **HB 354**, relative to the local option for sports betting.

FRIDAY, FEBRUARY 5, 2021

ELECTION LAW

- 9:30 a.m. **HB 87**, relative to the definition of electioneering.
9:45 a.m. **HB 127**, relative to placement and removal of political advertising.

TRANSPORTATION

- 1:45 p.m. **HB 116**, relative to personal delivery devices and mobile carriers.

MONDAY, FEBRUARY 8, 2021

CRIMINAL JUSTICE AND PUBLIC SAFETY

- 9:00 a.m. **HB 530**, relative to candidate background checks for law enforcement officers.
10:30 a.m. **HB 253-L**, requiring law enforcement officers to use body-worn cameras and establishing a grant program to assist local law enforcement agencies to purchase body-worn cameras.
11:30 a.m. **HB 375**, allowing the destruction of valueless contraband by the chief of police.
1:30 p.m. **HB 471**, relative to police disciplinary hearings.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

- 10:30 a.m. **HB 302**, relative to the creation and use of electronic records by government agencies.
1:15 p.m. **HB 72**, relative to ratification of amendments to the state building code and state fire code.

MUNICIPAL AND COUNTY GOVERNMENT

- 9:00 a.m. **HB 79**, relative to town health officers.
9:30 a.m. **HB 88**, relative to the city of Claremont police commission.
10:00 a.m. **HB 183**, prohibiting municipalities from requiring a license for a lemonade stand operated by a person under the age of 18.
10:30 a.m. **HB 332**, relative to deadlines for consideration of developments of regional impact by planning boards.
11:30 a.m. **HB 383**, relative to the quarterly or semi-annual collection of taxes in certain municipalities.
12:00 p.m. **HB 404**, relative to the perambulation of town lines.

WEDNESDAY, FEBRUARY 10, 2021

CRIMINAL JUSTICE AND PUBLIC SAFETY

- 11:00 a.m. **HB 307**, relative to the state preemption of the regulation of firearms and ammunition.
1:45 p.m. **HB 620-FN-L**, requiring law enforcement agencies to gather and analyze certain demographic information.

RESOURCES, RECREATION AND DEVELOPMENT

- 9:00 a.m. **HB 158**, relative to the definition of prime wetland.
2:00 p.m. **HB 534**, relative to municipal control of certain frozen water bodies.
3:00 p.m. **HB 571**, repealing the prohibition against OHRV travel on Hoit Road Marsh.

THURSDAY, FEBRUARY 11, 2021

WAYS AND MEANS

- 9:00 a.m. **HB 355**, relative to Keno.
9:30 a.m. **HB 364**, expanding the definition of charitable organization to include fraternal organizations for the purposes of holding raffles.

SENATE CALENDAR

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

MONDAY, FEBRUARY 1, 2021

COMMERCE

1:30 p.m. **SB 64**, extending unpaid leave benefits to employees for COVID-19 purposes.

ELECTION LAW AND MUNICIPAL AFFAIRS

9:00 a.m. **SB 84**, adopting omnibus legislation relative to the posting of notices on land and relative to public bodies.

9:20 a.m. **SB 85-FN**, establishing a broadband matching grant initiative and fund.

10:00 a.m. **SB 88**, adopting omnibus legislation relative to broadband.

WAYS AND MEANS

9:00 a.m. **SB 13-FN**, adopting omnibus legislation on state taxes and fees.

TUESDAY, FEBRUARY 2, 2021

ENERGY AND NATURAL RESOURCES,

9:00 a.m. **SB 91**, adopting omnibus legislation on renewable energy, utilities, and net metering.

JUDICIARY

1:20 p.m. **SB 95-FN**, adopting omnibus legislation relative to remote meetings and penalties for violation of privacy.

1:40 p.m. **SB 92-FN**, relative to increasing the penalty for criminal mischief, the release of a defendant pending trial, and requiring law enforcement candidate background checks.

2:00 p.m. **SB 96-FN-A**, requiring implicit bias training for judges; establishing a body-worn and dashboard camera fund and making an appropriation therefor; relative to race and ethnicity data on driver's licenses, and relative to juvenile delinquency.

WEDNESDAY, FEBRUARY 3, 2021

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

9:20 a.m. **SB 106**, adopting omnibus legislation relative to codes.

New Senate Bills

SB 13, among other things, requires educational organizations with tax exempt property to file a statement of financial condition annually with the municipality. Sen. Morse of Salem; **W&M-S**.

SB 83, among other things, authorizes the creation of an on-line election information panel; authorizes towns with May town meetings to make reasonable expenditures between the beginning of the fiscal year and the date a budget is adopted; authorizes an optional alternative town meeting procedure in the event of a health emergency; and authorizes pre-processing of absentee ballots. Sen. Gray of Rochester; **EL&MA**.

SB 84, among other things, provides that every legislative body, governing body, board, commission, or committee of a village district shall be deemed a “public body” under RSA 91-A. Sen. Reagan of Deerfield; **EL&MA**.

SB 85 establishes a broadband matching grant initiative to provide matching grants to political subdivisions and communications districts to improve broadband access across the state. Sen. Bradley of Wolfeboro; **EL&MA**.

SB 86 establishes requirements for planning boards that require third-party inspections during the construction process; establishes the housing and conservation planning program; and prohibits political subdivisions from adopting ordinances or regulations that restrict the installation of a safe and commercially available heating or other energy system. Sen. Kahn of Keene; **EL&MA**.

SB 87 provides for the expenditure of funds received from collection of water wheeling charges; allows municipalities to charge a fee for any uncollectible remittance; allows capital reserve funds to be used for lease/purchase payments; and requires that bonds or notes exceeding \$1 million be voted on by official ballot. Sen. Birdsell of Hampstead; **EL&MA**.

SB 88 eliminates the requirement that municipalities create a communications district planning committee upon a vote of their legislative bodies; requires the public utilities commission to adopt rules relative to pole attachments; and reduces the time period for broadband providers to respond to a municipality’s request for information prior to issuing a bond for broadband infrastructure. Sen. Kahn of Keene; **EL&MA**.

SB 89, among other things, eliminates references to the city clerk as the “chief elections officer”; prohibits taking a photograph within the guardrail at a polling place that captures a voter or a voter’s ballot; authorizes partial pre-processing of absentee ballots; and establishes a committee to study ballot-counting equipment that supports a post-election audit. Sen. Gray of Rochester; **EL&MA**.

SB 90 requires that any resources used to assist a legislative redistricting committee be made available to both the majority and minority parties in the legislature; requires a legislative redistricting committee to make any map of proposed legislative districts available on a public internet site; and requires that any meeting of a legislative redistricting committee be open to the public and available electronically via live stream. Sen. Perkins Kwoka of Portsmouth; **EL&MA**.

SB 91, among other things, adopts legislation relative to group host credits for net energy metering, aggregation of electric customers, and net energy metering limits for customer-generators. Sen. Watters of Dover; **E&NR**.

SB 92, among other things, requires the previous employer of a candidate for a position within a law enforcement agency to disclose employment information about the candidate to the law enforcement agency if certain conditions are met. Sen. Bradley of Wolfeboro; **JUD-S**.

SB 95 authorizes members of a public body to meet remotely. Sen. Daniels of Milford; **JUD-S**.

SB 96, among other things, amends the municipal records retention schedule for certain police non-criminal internal affairs investigations; establishes a fund to provide grants to law enforcement agencies for the purchase and maintenance of body-worn and dashboard cameras; and requires law enforcement agencies to collect and report data on gender, race, and ethnicity of persons who are arrested, cited, or subject to a stop or warning. Sen. Bradley of Wolfeboro; **JUD-S**.

SB 99 removes the limit on annual increases in the distribution of meals and rooms tax revenue to municipalities so that 40 percent of net revenues is distributed annually. **NHMA Policy**. Sen. Ricciardi of Bedford; **W&M-S**.

SB 100, among other things, establishes a commission to study payments in lieu of taxes. Sen. Watters of Dover; **W&M-S**.

SB 102 postpones reappraisals of real estate for the 2021 property tax year; allows the community revitalization tax relief incentive to be used for dwellings in a residential property revitalization zone; and allows municipalities to adopt a property tax exemption for certain renewable generation and energy storage systems. Sen. Perkins Kwoka of Portsmouth; **W&M-S**.

SB 106 repeals the voluntary fire service equipment certification and establishes a committee to study adopting changes to the state fire code and building code. Sen. Carson of Londonderry; **ED&A-S**.

2021 NHMA UPCOMING MEMBER <u>VIRTUAL</u> EVENTS	
Feb. 6	2021 Town & School Moderators Workshop (Traditional) (9:00 – 2:00)
Weekly	Friday Membership call (1:00 – 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.	