

# LEGISLATIVE BULLETIN

## Nothing New

With the conclusion of yesterday's House and Senate sessions, nothing new can be introduced. On May 12, both the House and Senate will again meet in session to decide whether to concur, non-concur, or non-concur and request a committee of conference on bills amended by the other body. Bills to which the bodies concur will go to the governor's desk, and bills to which the bodies non-concur will die, unless a committee of conference is requested.

Committees of conference are already being formed, and we anticipate they will begin to meet after May 12. There will not be much notice of the initial meeting of any such committees. The Right-to-Know Law requires only 24-hours' notice, and past practice has been for committees of conference to recess rather than adjourn. As such, after the initial meeting is posted, it is possible that the reconvening of any particular committee will not be noticed. We are not yet sure how the new, electronic meeting schedule will factor into the notice of the meetings of any committees of conference.

After May 12, there will be one more convening of both the House and Senate. That will occur on May 26. At that session, each body will deal with any matters brought before the committees of conference.

## Senate Provides Additional PFAS Funding

Yesterday, the Senate adopted an amendment to [HB 1547](#) to add \$25 million to the existing perfluorinated chemical (PFAS) remediation loan fund. The remainder of the bill would (1) require the Department of Environmental Services to adopt rules for PFAS soil remediation standards, (2) amend the [Groundwater Protection Act](#) (RSA 485-C) to add soil standards to protect human health and drinking water quality, and (3) help defray municipal expenditures.

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PFAS, commonly referred to as “forever chemicals,” are widely used, long-lasting chemical pollutants produced by companies that break down very slowly over time. Technologies for PFAS removal in drinking water exist, but they are costly and high-maintenance—and the burden to pay for them falls on taxpayers. To address this cost burden, last year, the legislature enacted RSA chapter 485-H and allocated \$50 million to the PFAS Remediation Loan Fund for loans to defray the cost of upgrades to public water systems and wastewater facilities.

The PFAS Remediation Loan Fund is a low-interest loan program, offering 10 percent loan forgiveness for disadvantaged communities and up to 50 percent conditional reimbursement for all loan recipients if the state receives sufficient funds from PFAS contamination judgments or settlements. As experts continue to uncover hundreds of PFAS chemicals and the impacts on public health, the costs for remediation are only anticipated to rise. PFAS legislation and the funding needed to maintain safe public drinking water and soil continues to be a focus at the state house. **HB 1547** as amended is an additional state investment to help municipalities pay for these upgrades.

We are hopeful that the House will concur with the bill as amended by the Senate, increasing the funds available to municipalities.

## Money for Sheltering the Homeless

Yesterday, the Senate voted to add an amendment ([2022-1905s](#)) to **HB 1662** to provide \$5 million for the fiscal year ending June 30, 2023 to municipalities to aid in housing the homeless. Municipalities must use the funds to make payments to homeless shelters or overnight lodging providers offering discounted rates to accommodate homeless people in their community. Assuming the House concurs by August 1, 2022, the Department of Health and Human Services will allocate funds to each municipality based on each municipality’s share of total Medicaid enrollees as of April 3, 2022. The distribution amount proposed for each municipality can be found within the [amendment](#).

As with other bills written about in today’s *Bulletin*, the House will decide next week whether to concur or non-concur with the bill as amended by the Senate.

## Governor’s Housing Initiative Approved

On Wednesday, the Executive Council approved the governor’s \$100 million workforce housing program, InvestNH. The council previously tabled the funding request on April 20, asking for additional details about the program.

According to the [materials](#) provided by the Department of Business and Economic Affairs (BEA), the funding for this initiative is separated into three pots, two of which create new grants for municipalities. The first and largest pot is not for municipalities. It allocates \$60 million for development of new multi-family rental housing units in the state, with the goal of accelerating unit production in projects already using other private and/or public funding sources. This grant is available to developers and multi-family rental housing projects for “construction and other hard costs” associated with development.

The second pot of money allocates \$30 million in grants for municipalities that issue permits for eligible housing within six months of the initial application. The maximum grant is \$10,000 per unit with a project cap of \$1 million, with rolling applications accepted until the \$30 million is exhausted.

The final apportionment of funds is \$5 million for cities and towns to study and update their zoning ordinances or other local regulations in an effort to expand the development of affordable housing.

Local officials are encouraged to read the [details of the program](#). NHMA hopes to provide more guidance and information on InvestNH and its associated grants to municipalities soon.

## Surprise Twist with Housing Bill

Last week, we [wrote](#) about the House Municipal & County Government's recommended amendment to **SB 400**, the omnibus housing bill, and explained why we opposed that amendment. We had heard that there would likely be a contentious floor fight over the bill and that multiple floor amendments would be offered. Instead, shortly after the Speaker's introduction, a motion to table was made. In a surprising 170-159 vote, **SB 400** was tabled, effectively killing the bill.

That's not the end for the underlying housing bill's language, however. Later Thursday, the Senate added most of the underlying language of **SB 400** to **HB 1661** as amendment [2022-1960s](#). A number of other amendments were added by the Senate, including bail reform, extraordinary need grants for schools, and an appropriation to the opioid treatment fund. Those amendments can be accessed from the [docket](#).

The bill now heads back to the House, which will decide next week whether to concur or non-concur on the bill. It is likely that if the House does non-concur, it will request a committee of conference, making it possible that some or all of **SB 400** ends up on the governor's desk.

## Unsurprising House Action on Housing Barriers Bill

Last week, we [wrote](#) about the House Municipal & County Government's recommended amendment to **SB 329**, establishing a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing. In that article, we explained why the inclusion of the language of **HB 1194**, relative to the procedure for overriding a local tax cap, was a poison pill.

In a 171-152 vote, the House adopted the committee amendment and proceeded to pass the bill on a voice vote. The next step is for the Senate to vote whether to concur or non-concur on the bill. We anticipate that the Senate is likely to non-concur on the amended bill, killing the bill.

## HOUSE CALENDAR

There are no hearings in the House on bills of municipal interest.

## SENATE CALENDAR

At the time of this publication, the Senate calendar was unavailable. However, we do not anticipate any committee hearings.

## House Floor Action

Wednesday, May 4, 2022  
Thursday, May 5, 2022

- SB 53**, (New Title) relative to confidentiality of department of revenue administration records. **Passed.**
- SB 200**, relative to the election of district commissioners in Haverhill. **Passed with Amendment.**
- SB 209**, relative to electronic wage payments. **Inexpedient to Legislate.**
- SB 227-FN**, relative to death benefits for first responders who die from suicide. **Passed with Amendment.**
- SB 239-FN**, relative to noncompliance with municipal audit requirements. **Passed.**
- SB 245**, establishing a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters. **Laid on Table.**
- SB 246**, relative to qualified private communities. **Inexpedient to Legislate.**
- SB 249**, prohibiting planning and zoning ordinances that prohibit short-term rentals. **Interim Study.**
- SB 251**, relative to the advisory board of a tax increment financing district. **Passed.**
- SB 257**, enabling municipalities to incorporate sewage disposal systems as part of their stormwater utility. **Interim Study.**
- SB 258-FN-LOCAL**, relative to the graves of African Americans alive during the period of American enslavement. **Interim Study.**
- SB 259**, relative to the definition of “municipal host” for purposes of limited electrical energy producers. **Interim Study.**
- SB 261-FN**, relative to net metering participation. **Passed with Amendment.**
- SB 262**, relative to customer generators of electric energy. **Passed with Amendment.**
- SB 265**, relative to the aggregation of electric customers by counties. **Passed.**
- SB 267-FN-A**, establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food. **Passed with Amendment.**
- SB 272**, establishing a committee to study the oversight and operation of the public deposit investment pool. **Passed with Amendment.**
- SB 273-A**, relative to broadband infrastructure funding. **Passed.**
- SB 274**, relative to governmental construction contracts. **Inexpedient to Legislate.**
- SB 275**, relative to the opioid abatement trust fund. **Passed with Amendment.**

**SB 301-FN-LOCAL**, relative to the procedure for violations under the right to know law. **Passed.**

**SB 302-FN**, establishing the personal privacy protection act. **Passed with Amendment.**

**SB 312**, relative to adjusted assessments of taxable property. **Passed.**

**SB 317-LOCAL**, reducing the interest rate for abatements of paid property taxes. **Passed.**

**SB 325**, relative to local organization for emergency management and first responders. **Passed.**

**SB 329**, establishing a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing. **Passed with Amendment.**

**SB 330**, (New Title) relative to licensure of case management service providers and relative to payment by the state of a portion of retirement system contributions of political subdivision employers. **Passed with Amendment.**

**SB 334-LOCAL**, (New Title) establishing a committee to study property blight in New Hampshire cities and towns. **Passed.**

**SB 337-FN**, relative to emergency medical and trauma services data sharing to the purposes of analysis. **Passed.**

**SB 343**, (New Title) establishing a committee to study room occupancy tax revenues and fees and the formula for distribution to municipalities. **Inexpedient to Legislate.**

**SB 344**, (New Title) relative to the electronic participation requirements of meetings open to the public under the right to know law. **Inexpedient to Legislate.**

**SB 357-FN**, relative to mental health training for first responders. **Passed.**

**SB 363-FN**, relative to service credit for certain group II retirement eligibility. **Passed.**

**SB 364**, relative to the use of electronic poll books. **Passed.**

**SB 366-FN**, requiring an audit of ballots cast in the 2022 primary and general election. **Passed with Amendment.**

**SB 376-FN**, (New Title) relative to creating a board to review police incidents involving citizens affected by mental health issues. **Passed with Amendment**

**SB 379-FN**, (New Title) establishing the solid waste management fund and grant program. **Passed.**

**SB 383-FN**, relative to land surveying services. **Passed.**

**SB 395**, relative to the broadband matching grant initiative. **Passed with Amendment.**

**SB 400-FN**, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development. **Laid on Table.**

**SB 401-FN**, (Third New Title) making appropriations to the department of transportation for local highway aid and to the body-worn and dashboard camera fund and permitting the department of transportation to operate dash cameras in fleet vehicles. **Passed with Amendment.**

**SB 402-FN**, (New Title) relative to financial assistance for municipalities affected by disasters. **Passed.**

**SB 407**, (New Title) relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor and relative to exemptions from vaccine mandates. **Passed with Amendment.**

**SB 409**, relative to disaster relief loans. **Passed.**

**SB 418-FN**, relative to verification of voter affidavits. **Passed with Amendment.**

**SB 419-FN**, (New Title) establishing a commission to study the delivery of public health services in New Hampshire through regional public health networks. **Passed.**

**SB 422-FN**, establishing an adult dental benefit under the state Medicaid program. **Passed with Amendment.**

**SB 438-FN-LOCAL**, (New Title) relative to state procurement policies intended to promote the use of American materials and certain cosmetology licensure requirements. **Passed with Amendment.**

**SB 443-FN**, relative to municipal authority regarding the state building code. **Passed.**

**SB 445-FN**, (New Title) relative to the broadband matching grant initiative. **Passed with Amendment.**

## Senate Floor Action

Thursday, May 5, 2022

**HB 314**, relative to homestead food operation licensure. **Passed.**

**HB 478**, relative to treatment of PFAS contaminants in the drinking water of the Merrimack Village Water District. **Interim Study.**

**HB 481-FN-A**, establishing the office of the right-to-know ombudsman and making an appropriation therefor. **Passed.**

**HB 536-FN**, 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. **Passed.**

**HB 1049**, establishing a committee to study landfill siting criteria and methods for reducing pressure on landfill capacity. **Inexpedient to Legislate.**

**HB 1101**, relative to a forfeiture of personal property. **Interim Study.**

**HB 1148**, relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy. **Passed with Amendment.**

**HB 1174**, relative to election challengers. **Passed with Amendment.**

**HB 1178**, prohibiting the state from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms. **Passed with Amendment.**

**HB 1185**, relative to treatment of water contaminated with perfluorinated chemicals. **Passed with Amendment.**

**HB 1186**, relative to companion animals during a declared state of emergency. **Passed with Amendment.**

**HB 1194**, relative to the procedure for overriding a local tax cap. **Inexpedient to Legislate.**

**HB 1210**, relative to exemptions from vaccine mandates. **Interim Study.**

**HB 1221**, relative to the rate of the business profits tax, and relative to payment by the state to municipalities of an amount equal to a portion of retirement system contributions of political subdivision employers. **Passed.**

**HB 1258**, relative to the implementation of the department of energy. **Passed with Amendment.**

**HB 1266**, relative to restrictions on enforcement of federal immigration laws. **Interim Study.**

**HB 1282**, relative to the records of communication common carriers. **Interim Study.**

**HB 1293**, relative to the design of sewage or waste disposal systems for a person's own domicile. **Passed with Amendment.**

**HB 1307**, modifying the authority and duties of the housing appeals board. **Inexpedient to Legislate.**

**HB 1454-FN**, relative to permits for the siting of new landfills. **Passed with Amendment.**

**HB 1455**, relative to state enforcement of federal vaccination mandates. **Passed with Amendment.**

**HB 1535-FN**, relative to a one-time allowance for certain state retirees. **Inexpedient to Legislate.**

**HB 1547-FN**, relative to per fluorinated chemical remediation in soil and procedures for certain hazardous waste generators. **Passed with Amendment.**

**HB 1587-FN-A**, relative to determination of average final compensation under the retirement system and making an appropriation therefor. **Passed.**

**HB 1661**, (New Title) relative to regional career technical education agreements, relative to an appropriation for preliminary work for a new legislative parking garage, and relative to training and procedures for zoning and planning boards and financial investments and incentives for affordable housing development. **Passed.**

**HB 1662**, (New Title) relative to the privacy obligations of the department of health and human services and requiring online marketplaces to disclose certain information to consumers. **Passed.**

## 2022 NHMA UPCOMING MEMBER EVENTS

May 17	2022 Local Officials Workshop ( <b>Virtual Only</b> ) – 9:00 – 4:00
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May 18	<b>Webinar:</b> Investigations 101 – 12:00 – 1:00
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June 2	2022 Code Enforcement Workshop (Hybrid) – 9:00 – 12:00
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June 9	2022 Municipal Trustees Workshop ( <b>Virtual Only</b> ) – 9:00 – 3:00
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Please visit [www.nhmunicipal.org](http://www.nhmunicipal.org) for the most up-to-date information regarding our upcoming events. Click on the Events and Training tab to view the calendar.

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