

New Hampshire Municipal Association

THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

LEGISLATIVE BULLETIN

Legislative Bulletin 20

2024 Session

May 17, 2024



Live Bill Tracker

HB 1069: Costly for Taxpayers, Burdensome for State & Local Government

On Tuesday, the Senate Judiciary Committee adopted Amendment 2024-1966s to [HB 1069](#), the Right-to-Know Law bill that would allow anyone anywhere to make a records request of New Hampshire state and local governments and get a response sent to them. Those who compare the Senate amendment with the version of the bill that passed the House will notice that the amendment merely moves one section of the House version into a different section of the law. It does not ameliorate any of the serious impacts the bill would have if passed.

While the idea of moving to electronic delivery of records may be alluring, there is a practical reality as well as a constitutional response. Article 8 of the New Hampshire Constitution only requires that government be responsive to **the people who form the government**, not everyone in the whole world. New Hampshire municipalities do **not** represent, work for, or provide

services to anyone outside the boundaries of their town. Local government exists to help the people who form it—their residents—not strangers who have no connection to their residents. Yet, **HB 1069** would allow people living in Florida, South America, or Russia, to request records of the governmental bodies formed *by the people of New Hampshire, for the people of New Hampshire*. That goes far beyond what our Constitution envisions, and in one giant sweep, would entirely upend RSA Chapter 91-A, which is a law about the people of New Hampshire's *access* to governmental records and meetings, as the chapter's title states clearly.

But there is another reason New Hampshire residents and local officials should be seriously concerned about this bill: cost impact. Right-to-Know Law requests are being routinely used by for-profit companies, at the cost of New Hampshire taxpayers, for commercial purposes. For example, recently, a landscape company from Massachusetts sent a Right-to-Know Law request to numerous New Hampshire municipalities asking for detailed information relative to all building, construction, and conservation permits. If **HB 1069** passes, municipalities and state agencies and bodies will be required to *send* this information to these private, out of state companies, electronically. No matter the size or breadth of these requests, if the company demands that the records be sent electronically, the government must do so, incentivizing out-of-state companies to data mine New Hampshire governments for information about its citizens, resulting in significantly increased costs for governments, which are funded by the taxpayers. **There are scores of examples like this over the past few years, and this bill would open the door for more.**

Moving toward digital delivery of records is best done on a governmental entity-by-governmental entity basis, especially when we are talking about municipal governments. Not every municipality has a website. Other municipalities do not have internet at their town hall, and it is unclear when they would be able to check for electronic requests. And, on the other side of the spectrum, there are a few that have incredibly sophisticated technological innovations – where engaging with residents digitally is not an issue. Any move toward increased digitization must account for the reality of this division and recognize that different municipalities do things differently in direct response to what their residents can and do support in their local budgets. A one-size-fits-all mandate with serious unintended consequences is not appropriate for New Hampshire.

Please contact [your senator](#) today and ask them to vote NO when HB 1069 goes to the floor for a vote.

Land Use Legislation Update

Over the past week, there have been a number of legislative decisions made about land use legislation, including:

[HB 1291](#), relative to accessory dwelling units, was recommended for Interim Study out of Senate Commerce on a 3-1 vote. Assuming the Senate follows the recommendation, Interim Study would effectively kill the bill for this session. NHMA opposes the bill.

[HB 1399](#), the duplex bill, was recommended for Interim Study which the Senate adopted yesterday, effectively killing the bill for this session.

[HB 1400](#), relative to residential parking spaces, was recommended by the Senate Commerce Committee as Ought to Pass with [Amendment 2024-1962s](#), which contains two, unrelated provisions. The first would increase the maximum allowable residential parking spaces to two per unit from one per unit. The second relates to squatters. NHMA opposes the bill.

[HB 1521](#), relative to recovery houses, was recommended by the Senate Election Law and Municipal Affairs Committee as Ought to Pass with [Amendment 2024-1968s](#) on a 3-2 vote. Many of the changes in **HB 1521** mirror the changes to the state building code proposed in amendments BD-21-20-23, BD-21-21-23, BD-21-22-23, RE-21-32-23 R2 by the Building Code Review Board and are currently being considered by the legislature. NHMA opposes the bill.

[SB 527](#), relative to student housing, was recommended by the House Special Committee on Housing as Ought to Pass with Amendment [2024-1752h](#) on an 8-2 vote. That amendment is, essentially, the same as [HB 1281](#), which was tabled by the House in a 300-17 vote. Both bills would prohibit zoning ordinances or regulations from restricting the number of occupants in a residential rental property to less than two occupants per bedroom and prohibit the adoption or enforcement of any code, ordinance, by-law, or regulation that restricts the number of occupants based on unrelated or non-familial relationships between the occupants, or that requires the existence of familial relationships between the occupants. NHMA opposes the bill as amended by the House.

Other Senate Committee Actions

Action has slowed down in the House with next week's impending deadline for committees to make recommendations on bills. Senate committees have a slightly longer timeline to act, and they were still holding hearings on new bills and non-germane amendments this week. House committees have all but transitioned to executive sessions.

Senate committees addressed several bills of municipal interest this week, including the following:

[**HB 1451**](#), which requires that mandatory overtime be reported as part of the full base rate of compensation, was recommended as Ought to Pass. The fiscal note estimates the employer costs up to \$15.25 million annually and increasing proportionally with salary increases and any increases in overtime. Because of the fiscal note, the bill goes to Senate Finance next week for a final recommendation.

[**HB 1647**](#), which increases the multiplier for Group II Tier B members to 2.5 percent for all years worked in excess of 15 years, was recommended as Ought to Pass as Amended. [**Amendment # 2024-1777s**](#) increases the required years of service from 10 years to 15 years and removes Teir C and new hires from eligibility. The bill includes a \$26 million state appropriation to offset the cost to cover the increase in the UAAL, but Group II employers would still have an ongoing annual "normal cost" of \$900,000. This represents an estimated rate increase of 0.21 percent for police and .020 for fire.

[**HB 1124**](#), which would have rewritten existing RSA 669:7 and added additional provisions related to conflicts of interest, was recommended for Interim Study and is on the Consent Calendar.

[**HB 1175**](#), which would alter the manner of adopting the official ballot referendum (SB 2) form of government, was recommended for Interim Study. The committee action would preserve the current law, where the question of adopting SB 2 is debated and voted on at the business session of town meeting, rather than being placed on the official ballot. This ensures that voters have an opportunity to become fully informed about the consequences of making such a major change to their form of government before they are asked to vote on the question.

[HB 1187](#), which would have clarified that building or facility improvements that become fixtures related to the installation, purpose, or operation of leased equipment shall not be financed through lease agreements, was recommended for Interim Study and is on the Consent Calendar.

[HB 1466](#), which would establish a new municipal disaster relief fund, was recommended for Interim Study. This House passed bill, which would establish a recovery fund and provide up to \$100,000 in disaster relief grants to municipalities following a natural disaster, will most likely not advance based on the committee recommendation.

[HB 1656](#), which would increase adequate education grant amounts for pupils receiving special education services, was recommended for Interim Study. As reported in **[Bulletin #15](#)**, the bill would create three categories of differential aid based on the level of special education services a pupil receives beginning July 1, 2024, resulting in a state grant increase of \$17,727,172 compared to the current law.

Bills Adopted by Both Chambers

Not every bill is contentious this session. Among them are the following bills, which have been adopted by both bodies. These bills now head to the governor for signature.

[SB 470](#). This bill would allow vehicles registered with municipal plates in New Hampshire to use toll roads without incurring toll charges. This policy would formalize an existing practice into law, as there is already an agreement in place between the Department of Transportation and municipalities regarding the non-collection of tolls from municipal vehicles.

[SB 472](#). The bill will allow municipalities with casinos to raise money through charitable gaming. Under the expanded law, both municipalities and charities could get up to 10 nights a year in gaming revenue. The bill does prioritize charitable organizations over municipalities when allocating game dates, unless no charitable organizations are available and wish to use the gaming facility on those dates.

[SB 492](#). This bill removes the term "intercepting" from sections concerning state aid grants for sewage disposal facilities and expands the eligible

facilities and contributions to both new constructions and upgrades to existing sewage treatment plants, pumping stations, and sewer separations.

HB 182. The bill prohibits the discharge of volunteer firefighters or volunteer emergency medical technicians from other employment. The intent of this bill is to protect volunteer firefighters and emergency medical technicians from being discharged or disciplined by their employers for failing to report to work due to responding to an emergency in their capacity as volunteers. The bill also seeks to address the recruitment and retention of emergency service volunteers.

HB 1143. The bill amends the New Hampshire Clean Lakes Program and establishes a program within the Department of Environmental Services to be responsible for the monitoring, managing, and reducing the risk of cyanobacteria blooms, as well as providing remedial actions to maintain water quality for public recreation and enjoyment, specifically addressing the control of cyanobacteria blooms.

HB 1154. The bill defines eligibility requirements for a disabled veteran to receive a full property tax exemption. The exemption will now be contingent upon the person being 100 percent permanently and totally disabled as prescribed in the [U.S. Code of Federal Regulations 38 C.F.R. 3.340.](#)

HB 1217. There are approximately [60 remaining covered bridges in New Hampshire.](#) and this bill amends RSA 236:130, III to allow the state or a municipality to use video monitoring specifically for the purpose of monitoring historic covered wooden bridges that are open to vehicular traffic. The intent is to identify the cause of any damage to these bridges, including identifying vehicles and operators responsible for such damage.

HB 1302. This bill amends RSA 36-A:3 and enables towns to either appoint *or* elect members of their conservation commissions, which currently may be appointed by the governing body only.

Calendar Changes

If you are a long-time reader of the *Bulletin*, you will have noticed that the weekly schedule of hearings that we have long published has, increasingly, been out of date by the beginning of the week for which it is produced. That's

because the shift in both the House and Senate to digital calendars has made it easier for committees to reschedule when there is bad weather, when there are absences, or when issues with bills just haven't quite been worked out. As such, we are now going to link to the [House Digital Calendar](#) and [Senate Digital Calendar](#) instead of producing our own hearing schedule. For those of you with a particular interest in a particular bill or set of bills, please use the "subscribe" feature on [FastDemocracy](#) to get email updates when those bills are scheduled.

NHMA Events Calendar

2023 Final Legislative Bulletin

Website: www.nhmunicipal.org

Email: governmentaffairs@nhmunicipal.org

Government Affairs Contact Information

Margaret M.L. Byrnes, Executive Director

Natch Greyes, Government Affairs Counsel

Katherine Heck, Government Finance Advisor

Timothy Fortier, Communications Coordinator

Pam Valley, Administrative Assistant

25 Triangle Park Drive, Concord, NH 03301

Tel: 603.224.7447