

LEGISLATIVE BULLETIN

Break Time

Next week is the legislature’s sometimes-annual quasi-vacation week. There will be no activity in the Senate, and the House will not be in session, but some House committees are meeting.

Even if your legislators are taking a break, they probably won’t be far away. In fact, this would be a good time to connect with them and convey your thoughts about pending legislation. Specifically, we encourage you to do the following:

- Ask your senator and members of the Senate [Election Law & Municipal Affairs Committee](#) to **oppose** the zoning mandate bills, **SB 458** (short-term rentals) and **SB 482** (tiny houses). (See discussion on both in [Legislative Bulletin #7](#).)
- Ask your senator to **support** **SB 667**, increasing the cap on the local option transportation improvement fee. (See article below.)
- Ask your representatives and members of the [House Finance Committee](#) to **oppose** the increased pension costs in **HB 1205**. (See article below.)

Landfill Bills Raise Concerns

The House Environment & Agriculture Committee has hearings next week on two bills that would severely limit landfill capacity in New Hampshire. **HB 1422** would establish a two-year moratorium, beginning July 1, 2020, on the issuance by the Department of Environmental Services of any permit to construct, operate, or expand a private landfill in New Hampshire. **HB 1319** would prohibit the issuance of a permit for the siting of a new public or private landfill or expansion of an existing landfill within one mile of the boundary of any state or national park or within five miles of any land managed by the United States Forest Service.

We understand that these bills arose out of opposition to Casella Waste Systems’ proposal to site a new landfill in Dalton, and we certainly are sympathetic to that opposition. However, prohibiting new or expanded landfills anywhere in the state hardly seems like a solution. Trash has to go

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somewhere. Existing landfills have finite capacity, and recycling options are drying up, at least temporarily. When the existing facilities are full, the principal option remaining for municipalities will be to send their waste to out-of-state facilities at dramatically increased cost.

The hearing on **HB 1422** is scheduled for **Thursday, February 27, at 1:00 p.m., in LOB Room 303**. The hearing on **HB 1319** is scheduled for the same day and room at **2:30 p.m.** If you have concerns about these bills, please attend the hearing or contact members of the [Environment & Agriculture Committee](#).

Note: Although the titles of both bills refer only to landfills, the actual prohibitions in each bill refer to “facilities” as defined in RSA 149-M. That term includes not only landfills but any other “location, system, or physical structure for the collection, separation, storage, storage, transfer, processing, treatment, or disposal of solid waste.” By its terms, then, **HB 1319** would also apply to a municipal transfer station, which we think was not intended. **HB 1422** applies only to private facilities, but that could include many things other than landfills, such as a materials recovery facility (MRF), which processes recyclable materials. Again, we think that was not the intent.

Mixed Votes on Costly Retirement Bills

On Wednesday the House voted 182-161 to table **HB 1341**, which proposed to increase pension benefits for certain New Hampshire Retirement System (NHRS) group II members (police and firefighters). A subsequent motion to remove the bill from the table failed by a vote of 125-218. Both of these were division votes, not roll call votes, so there is no record of how each representative voted.

As we reported in last week’s [Bulletin](#), **HB 1341** had an initial price tag of **\$143 million**, but was amended to cost somewhat less than that and to require that the state pay 15 percent of the pension costs for local police and firefighters to avoid any increase in employer contribution rates due to these pension increases. Obviously, we were skeptical about such a state commitment, especially in a non-budget year, and the tabling of the bill suggests that a majority of House members were similarly skeptical. Since Thursday was the last day for the House to pass any bill going to a second committee (if passed, this bill would have gone to the House Finance Committee), we expect no further action on **HB 1341** this session.

However, by a vote of 181-151, the House passed **HB 1205**, which delays the 10 percent reduction for group I members (employees and teachers) until full Social Security eligibility age. This 10 percent reduction at age 65 has been in place for decades. Group I members are provided annual statements by NHRS estimating their monthly pension both before and after age 65 when the 10 percent reduction occurs, so there is no surprise about this provision in the pension law. **HB 1205** will cost **\$37 million** and will be paid by increased employer contribution rates over the next 20 years, adding to the current **\$5 billion** unfunded pension liability. This bill will now go to the House Finance Committee for consideration of the cost implications on both the state and local government employers.

ITL Recommendation on Transportation Improvement Fee Bill

On Wednesday the Senate Election Law and Municipal Affairs Committee voted 3-2 to recommend Inexpedient to Legislate on **SB 667**, the **NHMA policy bill** that increases the cap on the local option transportation improvement fee from \$5 to \$10. As we have reported in several *Legislative Bulletins* this session, the transportation improvement fee is a **local** option fee, funded by **local** dollars, used for **local** projects approved by the **local** legislative body. Not a single penny will be raised by passing **SB 667** unless and until a local legislative body chooses to exercise the local option provided by this bill. Opponents

contend that a potential \$5 increase in the annual motor vehicle registration fee is too onerous, despite the diverse variety of public transportation benefits that are funded by this fee – road improvements, bridge repairs, sidewalks, senior transportation services, etc., *all* based on local needs.

Whether your municipality currently assesses this fee, or may plan to do so in the future, please urge your **senator** to **support local control by voting NO on the committee recommendation of Inexpedient to Legislate and voting YES on a subsequent motion of Ought to Pass on SB 667.**

Affordable Housing Bills Advance with Amendments

In Legislative Bulletin #4 we discussed two bills, **HB 1629** and **HB 1632**, that are intended to address New Hampshire's affordable housing shortage. A subcommittee of the House Municipal & County Government Committee held several work sessions over the past few weeks and recommended some significant changes to the bills after input from NHMA and others. The House was scheduled to vote on both bills this week, and it did vote to pass **HB 1632**, but **HB 1629** was delayed until the next session because the House ran out of time at its Thursday session.

Under the proposed amendment to **HB 1629**, the bill still imposes new procedural requirements on planning boards and zoning boards of adjustment. These include:

- requiring that all land use application fees be published in an accessible location;
- requiring boards to provide specific written findings of fact to support any disapproval of an application;
- requiring a ZBA to approve or disapprove an application within 90 days of receipt; and
- eliminating the planning board's authority to extend the existing 65-day deadline for approving or disapproving a completed application.

At NHMA's request, however, the amendment incorporates several important changes. Most significantly, it eliminates a provision that would have required all new planning and zoning board members to receive training and pass a test on land use board rules and responsibilities within a year after assuming office. The amendment also softens a requirement that a municipality allow a density bonus or other incentives for all forms of housing if it allows those incentives for elderly housing; the new language requires the additional incentives only for workforce housing. The third significant change is that the amendment allows a planning board to reject an application without prejudice if it has not received sufficient information to make a decision by the 65-day deadline. (A zoning board may do the same if it does not have sufficient information by the 90-day deadline.)

We are never eager to embrace new restrictions on local boards, but with these changes we think the new requirements are manageable. Some planning and zoning boards will need to be more efficient, and municipalities will need to give the same advantages to affordable housing that they give to senior housing; we are optimistic that those changes can be accommodated. However, municipal officials who have continuing concerns are encouraged to let us know. The House is likely to vote on the bill the week of March 2.

The changes to **HB 1632** are not as significant. The bill still does the following:

- allows the use of tax increment finance (TIF) districts for the construction of affordable housing;

- allows a longer period of tax relief for affordable housing development under RSA 79-E, the community revitalization tax relief incentive;
- creates a business profits tax deduction for income derived from construction of affordable housing;
- reduces the real estate transfer tax for first-time home buyers; and
- creates a “New Hampshire housing champion” program under which business profits tax revenue derived from affordable housing in a municipality would be distributed to that municipality if it has adopted certain land use provisions that promote the development of affordable housing.

HB 1632 will go to a second House committee, Ways & Means, for a further hearing.

House Passes Omnibus Net Metering Bill, Kills Municipal Host Bill

As expected, the House this week passed the “omnibus” net metering bill, **HB 1218**, which would increase the capacity limit for net metering projects to five megawatts, but voted to send the “municipal host” bill, **HB 1402**, to interim study, effectively killing it. Both bills, and the likely consequences of these actions, were discussed in [last week's Legislative Bulletin](#). We believe the vote on **HB 1402** was unfortunate, because the margin on **HB 1218** was not nearly enough to override the expected veto by the governor. **HB 1218** has been referred to a second committee in the House, Municipal & County Government. We will continue to support it and will hope the governor changes his mind.

HOUSE CALENDAR

TUESDAY, FEBRUARY 25, 2020

MUNICIPAL AND COUNTY GOVERNMENT, Room 301, LOB

- 10:00 a.m. **HB 1211**, relative to a capital reserve fund in towns under the control of the budget committee.
 10:30 a.m. **HB 1352**, relative to municipal budget meetings.
 11:00 a.m. **HB 1451**, relative to the definition of contracts relative to official ballot default budgets.
 11:30 a.m. **HB 1460**, relative to the form of municipal budgets.

THURSDAY, FEBRUARY 27, 2020

ENVIRONMENT AND AGRICULTURE, Room 303, LOB

- 1:00 p.m. **HB 1422-FN**, establishing a moratorium on the issuance of permits for new landfills or the expansion of existing landfills for the purpose of studying the creating of municipal waste districts.
 2:30 p.m. **HB 1319**, prohibiting the siting of new landfills or expansions of existing landfills near state parks, national parks, or United States Department of Agriculture forest land.

FRIDAY, FEBRUARY 28, 2020

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, Training Room, 109 Pleasant Street, Concord

- 1:00 p.m. Regular meeting.

TUESDAY, MARCH 3, 2020

CRIMINAL JUSTICE AND PUBLIC SAFETY, Room 204, LOB

- 11:30 a.m. **HB 1217**, requiring police officers to report misconduct.

SENATE CALENDAR

TUESDAY, MARCH 3, 2020

COMMERCE, Room 103, SH

1:45 p.m. **SB 448**, relative to certification of an employee bargaining unit.

WEDNESDAY, MARCH 4, 2020

ELECTION LAW AND MUNICIPAL AFFAIRS, Room 102, LOB

9:00 a.m. **SB 483**, relative to the property tax exemption for educational organizations.

9:15 a.m. **SB 484**, establishing a commission to study payments in lieu of taxes.

9:30 a.m. **SB 516**, relative to a property tax credit for active duty military personnel.

10:00 a.m. **SB 530**, relative to property tax exemptions for renewable energy systems.

New Bills

HB 2020 adopts the state's 10-year transportation improvement plan for 2021-2030. Rep. Cloutier of Claremont; **PW**.

SB 751 allows a victim of domestic violence to register to vote without having his or her domicile address entered into the voter database. Sen. Fuller Clark of Portsmouth; **EL&MA**.

HOUSE FLOOR ACTION

Wednesday, February 19, 2020

Thursday, February 20, 2020

HB 1133-FN, relative to violations of constitutional rights **Inexpedient to Legislate**.

HB 1139, establishing a committee to study eligibility criteria for property tax credits, exemptions, and deferrals available to persons with limited income and the effect of such credits, exemptions, and deferrals on municipalities. **Inexpedient to Legislate**.

HB 1154, enabling municipalities to exclude principal of retirement and pension accounts from assets used for eligibility for property tax exemptions. **Inexpedient to Legislate**.

HB 1156, establishing a committee to study minimizing the use of public roads in the OHRV trail system known as Ride the Wilds in Coos county. **Inexpedient to Legislate**.

HB 1182, establishing a commission to study road usage by non-traditional motor vehicles. **Passed with Amendment**.

HB 1204-FN, relative to the emergency exception for limitations on part-time employment within the New Hampshire retirement system. **Inexpedient to Legislate**.

HB 1205-FN, relative to the reduction in the calculation of state retirement system annuities at age 65. **Passed; referred to F-H**.

HB 1218-FN, relative to net energy metering and limits for customer generators. **Passed with Amendment; referred to M&CG. NHMA Policy.**

HB 1235-A, establishing a committee to study ensuring workforce maintenance through enhancement of the retirement system, and making an appropriation therefor. **Passed with Amendment; referred to F-H.**

HB 1237-FN, (New Title) 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. **Passed with Amendment.**

HB 1248-LOCAL, relative to community revitalization tax relief incentives. **Passed with Amendment; referred to W&M-H.**

HB 1293, relative to the city of Manchester employees' contributory retirement system. **Passed.**

HB 1305-LOCAL, relative to consideration of home-share income. **Interim Study.**

HB 1341-FN-A, relative to vested status of group II members in the state retirement system. **Tabled. NHMA Policy to oppose.**

HB 1357, relative to the distribution of campaign materials inside a polling place. **Passed.**

HB 1392, relative to the procedure for filing federal tax liens. **Inexpedient to Legislate.**

HB 1402, establishing procedures for municipal host customer-generators of electrical energy. **Interim Study.**

HB 1406, (New Title) relative to the property tax exemptions for solar and wind-powered energy systems. **Passed with Amendment.**

HB 1438, permitting OHRVs on certain public ways. **Inexpedient to Legislate.**

HB 1457-FN-LOCAL, requiring election officers and supervisors of the checklist to visit skilled nursing facilities and elderly and disabled residences within their jurisdiction for the purpose of assisting with voter registration and casting absentee ballots. **Interim Study.**

HB 1479, relative to municipal energy commissions. **Inexpedient to Legislate.**

HB 1510-LOCAL, enabling municipalities to adopt a property tax exemption for qualifying accessory dwelling units. **Inexpedient to Legislate.**

HB 1543, relative to employee drug testing. **Inexpedient to Legislate.**

HB 1569-FN, requiring the department of environmental services to maintain a public registry of where certain fire suppressants have been used. **Passed with Amendment.**

HB 1579-FN, relative to collection of tax for short-term rentals under the meals and rooms tax. **Inexpedient to Legislate.**

HB 1580-FN, regulating the use of drones. **Passed with Amendment; referred to CJ&PS.**

HB 1603-FN, (New Title) establishing the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan and grant program and fund. **Passed with Amendment; referred to W&M-H.**

HB 1604, relative to agricultural registration for certain utility vehicles. **Inexpedient to Legislate.**

HB 1612-FN, relative to utility terrain vehicle operation on roads. **Inexpedient to Legislate.**

HB 1620-FN, relative to electric vehicle parking spaces. **Passed with Amendment; referred to W&M-H.**

HB 1631-FN-LOCAL, relative to taxation of certain hydro-electric generation facilities. **Inexpedient to Legislate.**

HB 1632-FN-A-LOCAL, relative to financial investments and incentives for affordable housing development. **Passed with Amendment; referred to W&M-H.**

HB 1634-FN, relative to certain additional part-time employment of retirees in the retirement system. **Inexpedient to Legislate.**

HB 1648-FN, relative to the home cultivation of cannabis plants and the possession of certain cannabis-infused products. **Passed with Amendment.**

HB 1650-FN-A-LOCAL, establishing a road usage registration fee and making an appropriation therefor. **Tabled.**

HB 1661-FN-LOCAL, relative to the exemption from property taxes for water and air pollution control facilities. **Inexpedient to Legislate.**

HB 1663-FN-A-LOCAL, relative to the legalization and regulation of cannabis and making appropriations therefor. **Interim Study.**

HB 1664-FN, establishing a climate action plan, an office of the environmental advocate, and an oversight commission on environmental services. **Passed with Amendment; referred to ED&A-H.**

HB 1684-FN-A-LOCAL, establishing an energy conservation program and an energy conservation project fund and establishing the state PACE reserve fund. **Tabled.**

SB 283-FN, relative to post-election audits of electronic ballot counting devices. **Passed with Amendment.**

2020 NHMA UPCOMING MEMBER EVENTS	
Mar. 18	Webinar: The Art of Welfare
Mar. 25	Webinar: Learn More About NHDES's Safetank Program
To register for an upcoming event, go to our website 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.	