

LEGISLATIVE BULLETIN

Postponement Bill Stranded in House

For a few days this week there was hope that the legislature would move quickly to address concerns about the process for postponing town meetings during the COVID-19 state of emergency. Unfortunately, that effort stalled when the House did not take up the needed legislation during its drive-in session on Wednesday.

SB 2 was an extremely fast-tracked bill that would (1) significantly loosen the restrictions on postponing either or both sessions of town meetings for 2021, and (2) allow for the pre-processing of absentee ballots for municipal elections occurring before August 1 of this year. The bill arose from discussions among NHMA, the New Hampshire School Boards Association, the attorney general’s office, the secretary of state’s office, and the Department of Revenue Administration.

The Senate acted quickly on the bill during its session on Wednesday, suspending its rules to allow consideration of the bill without referral to a committee, then voted unanimously to pass the bill and send it immediately to the House. However, the House, meeting the same day, never brought up the bill, apparently because it lacked the necessary support. Passage in the House would also have required suspending its rules, which takes a two-thirds majority vote, and supporters concluded they did not have the votes. A significant minority of House members objected to passing the bill without a committee hearing.

Although the attempt at quick passage failed, the bill is still alive. We’re told that House leadership has agreed to schedule an early hearing in the House Election Law Committee, with a goal of sending it back to the full House at its next session in late January or early February. This is unfortunately not soon enough to solve the problem for SB 2 towns that want to postpone their deliberative sessions and are stuck with a 72-hour limit on postponement; but it would still be helpful.

We are grateful to the Senate for addressing the matter so expeditiously. We remain optimistic that the House, where many members are local officials, will move the bill as fast as possible. Please make sure your representatives are aware of this bill and of its importance. We will let you know when it is scheduled for a hearing.

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Wheels Are Turning

As we mentioned in our first Bulletin, the legislative session is, understandably, getting off to a slow start, due to the many challenges of the coronavirus. However, things have started to happen. House committee assignments were announced last week (Senate committee assignments had been announced previously), about 200 bills have now been released, and a few Senate committee hearings have been scheduled for next week.

Bills that would affect local government are listed later in this Bulletin, indicating the number for each bill, a description of the bill, the primary sponsor's name, and the committee to which it has been assigned. There are several hundred bills still to be released, and we will include them in subsequent issues of the Bulletin.

Rosters for House committees that deal regularly with municipal issues are listed below. (A list of Senate committees was included in [Legislative Bulletin #1](#).) Please check to see whether your representatives are on any of these committees, so you can be prepared to talk to them about important bills they may be considering. If you want a list of all House committees, you can find it in the [December 31 House calendar](#). And you can always find information about House and Senate committees, as well as all kinds of other information, on the [General Court website](#).

At least for now, all committee hearings are going to be held remotely. You should be able to find the information needed to join each hearing with its listing in the House or Senate calendar.

Municipal State and Revenue Sharing (History & Trends) Booklet: Share This Advocacy Tool

One of NHMA's most effective advocacy tools, [*Municipal State Aid and Revenue Sharing \(History & Trends\) Booklet*](#), is now available for download. Understanding the various types of revenue sharing and aid provided by the state to local governments is critical to understanding the effect that state-level budgetary decisions have on local property taxes. This report explains the state revenue-sharing and aid programs relied upon by cities and towns as well as recent trends in funding those programs. We strongly encourage our members to review this informative 24-page booklet and share it with your local legislative delegation.

House Committees

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PUBLIC WORKS & HIGHWAYS

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SENATE CALENDAR

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

MONDAY, JANUARY 11, 2021

COMMERCE

1:10 p.m. **SB 17**, relative to brew pubs allowing customers to bring dogs to outdoor areas.
1:25 p.m. **SB 18**, permitting tastings by liquor manufacturers at farmers markets.

WEDNESDAY, JANUARY 13, 2021

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

9:00 a.m. **SB 15**, relative to ratification of amendments to the state building code.
9:30 a.m. **SB 26**, relative to roads within the Woodsville Fire District.

New House Bills

CACR 3, Provides that money raised by taxation may be applied for the use of religious schools. Rep. Cordelli of Tuftonboro; **EDUC-H**.

CACR 4, Provides for establishment of an independent redistricting commission to draw boundaries for state and federal offices. **NHMA Policy**. Rep. Schuett of Pembroke; **EL**.

HB 61, Allows no-excuse absentee voting and partial processing of absentee ballots prior to election day. **NHMA Policy (partial processing)**. Rep. Rung of Merrimack; **EL**.

HB 64, Provides that payments made under a PILOT agreement for a renewable generation facility shall be excluded from the tax base used to determine the statewide education property tax. Rep. Aron of Acworth; **M&CG**.

HB 66, Removes the authority of a law enforcement officer to use deadly force in effecting an arrest. Rep. True of Sandown; **CJ&PS**.

HB 67, Provides that if a petitioned warrant article is amended at the deliberative session of a town meeting in an official ballot referendum (SB 2) town, both the original article and the amended article must be placed on the official ballot. Rep. Marsh of Brookfield; **CJ&PS**.

HB 72, Ratifies certain amendments to the state building code and state fire code. Rep. McGuire of Epsom; **ED&A-H**.

HB 73, Requires the department of environmental services to provide notice of an application to construct or operate a solid waste facility on the department's internet website. Rep. Aron of Acworth; **E&A**.

HB 77, Requires town and city clerks to provide daily updates to the secretary of state regarding candidates who have filed to run for state representative. Rep. Boehm of Litchfield; **EL**.

HB 79, Makes numerous changes to the laws governing local health officers, including requiring health officers to provide contact information to the commissioner of health and human services; removing the requirement that the officer be a resident of the state; requiring the local board of health to meet at least once a year; requiring a criminal background check before a person can be nominated to serve as health officer; and requiring health officers to complete at least three hours of training, which will be provided free of charge, within one year of appointment. Rep. Marsh of Brookfield; **M&CG**.

HB 80, Eliminates rebates to residential customers from Regional Greenhouse Gas Initiative auction proceeds and increases allocations to local energy efficiency programs. **NHMA Policy**. Rep. Mann of Alstead; **ST&E**.

HB 82, Allows a governmental body and a landowner to change the terms of a conservation easement to correct an injustice or for any reason that advances the public good. Rep. Berch of Westmoreland; **JUD-H**.

HB 83, Prohibits the use of non-disparagement clauses in agreements settling claims against a governmental unit or government official or employee. Rep. Berch of Westmoreland; **JUD-H**.

HB 87, Removes the prohibition against wearing clothing or paraphernalia supporting or opposing a political candidate or party within a polling place. Rep. Potucek of Derry; **EL**.

HB 88, Provides that the Claremont city council shall appoint the city's police commission. Rep. O'Hearne of Claremont; **M&CG**.

HB 97, Changes the date of the state primary election to the second Tuesday in August. Rep. Boehm of Litchfield; **EL**.

HB 98, Changes the date of the state primary election to the first Tuesday in June. Rep. J. Sweeney of Salem; **EL**.

HB 106, Establishes an exemption to the one-megawatt limit applicable to net metering projects for group net metered facilities that generate electricity to offset electrical requirements of a group consisting of political subdivisions. **NHMA Policy**. Rep. Lang of Sanbornton; **ST&E**.

HB 107, Raises the state minimum wage to \$22.50 per hour. Rep. Sofikitis of Nashua; **LABOR**.

HB 108, Requires a public body to keep a list of minutes or decisions made in nonpublic session that are determined not to be subject to full public disclosure. Rep. Ulery of Hudson; **JUD-H**.

HB 110, Requires the state to distribute adequate education grants to municipalities for transfer to their school districts, rather than distributing the grants directly to the school districts. Rep. Steven Smith of Charlestown; **EDUC-H**.

HB 111, Creates a civil cause of action against the state or any municipality or other political subdivision for any injury resulting from a violation of an individual's rights under the laws or constitutions of the United States or New Hampshire. Rep. Berch of Westmoreland; **JUD-H**.

HB 112, Requires an employer to pay an employee for earned but unused vacation time. Rep. Cahill of Newmarket; **LABOR**.

HB 116, Defines personal delivery devices and mobile carriers and authorizes and regulates their operation on highways and sidewalks. Rep. Steven Smith of Charlestown; **TRANS-H**.

HB 121, Establishes an independent redistricting commission to draw boundaries for state and federal offices. **NHMA Policy**. Rep. M. Smith of Durham; **EL**.

HB 125, Exempts post-arrest photos taken by law enforcement officers from the Right-to-Know Law and prohibits dissemination of such photos except under certain circumstances. Rep. Klein-Knight of Manchester; **CJ&PS**.

HB 126, Extends the time for notice of execution of a tax lien to be given to a mortgagee. Rep. Cahill of Newmarket; **JUD-H**.

HB 127, Removes restrictions on placing political advertising on public property. Rep. Silber of Gilford; **EL**.

HB 132, Prohibits municipalities from requiring more than a half-acre lot for single family housing where the housing does not use a well for its water source and does not disperse liquid from a black water septic tank into the ground. Rep. Yokela of Fremont; **M&CG**.

HB 135, Requires parties deemed responsible for pollution of a drinking water supply to be financially responsible for certain consequences of the pollution. Rep. Boehm of Litchfield; **JUD-H**.

HB 141, Establishes a registry for information relative to sites where class B firefighting foam has been stored or released and requires municipalities to notify the department of environmental services about such sites. Rep. Rung of Merrimack; **ED&A-H**.

HB 144, Modifies the absentee ballot request form and creates a separate request form for presidential primary elections. Rep. Bergeron of Nashua; **EL**.

HB 148, Increases to five megawatts the electric generating capacity limit for municipal hydroelectric facilities participating in net energy metering. Rep. O'Brien of Nashua; **ST&E**.

HB 149, Establishes immunity from civil liability during a declared state of emergency due to a public health risk if the person or entity, including a government entity, acted in good faith and in accordance with applicable protocols or guidance. Rep. Stapleton of Claremont; **JUD-H**.

HB 151, Provides that the registration of undeclared voters who register as members of a party at any primary will be returned to undeclared status after the close of polls on election day. Rep. Maggiore of North Hampton; **EL**.

HB 154, Enables municipalities to offer community revitalization tax incentives for the construction of housing in designated areas. Rep. Conley of Dover; **W&M-H**.

HB 157, Repeals the state health assessment and state health improvement plan council. Rep. Edwards of Auburn; **HHS&EA**.

HB 158, Further defines prime wetland for local protection in fill and dredge permits. Rep. Grassie of Rochester; **RR&D**.

HB 162, Allows liquor manufacturers to offer samples at farmers' markets with prior approval from the municipality's governing body. Rep. Potucek of Derry; **COM-H**.

HB 164, Authorizes the governing body to demolish municipally owned buildings and requires review by the historic district commission and/or heritage commission prior to sale or other disposition of a building within a defined district. Rep. Abrami of Stratham; **M&CG**.

HB 167, Increases to five megawatts the electric generating capacity limit for customer generators participating in net energy metering. Rep. McWilliams of Concord; **ST&E**.

HB 169, Establishes a commission to study the removal of unused utility poles. Rep. Grote of Rye; **M&CG**.

HB 173, Requires the quarterly report of the New Hampshire Retirement System's independent investment committee to include a description of fees incurred due to investment transactions. Rep. Schuett of Pembroke; **ED&A**.

HB 177, Prohibits the siting of a new landfill within two miles of a state park. Rep. Tucker of Randolph; **E&A**.

HB 181, Allows a vote to authorize the operation of sports book retail locations by a city at the state primary election. Rep. O'Brien of Nashua; **W&M-H**.

HB 183, Prohibits a municipality from licensing or regulating a lemonade stand operated by a person under the age of 18. Rep. True of Sandown; **M&CG**.

HB 189, Requires a municipality to allow up to three accessory dwelling units on a single-family dwelling as a matter of right or by either conditional use permit or special exception. Rep. Vann of Peterborough; **M&CG**.

HB 206, Eliminates the exemption under the Right-to-Know Law for collective bargaining negotiation sessions. Rep. Turcotte of Barrington; **JUD-H**.

HB 211, Makes changes to the benefits and contribution requirements of the City of Manchester's employee retirement system. Rep. Long of Manchester; **ED&A-H**.

HB 216, Authorizes public bodies to meet without a physical location so long as certain public notice and access requirements are observed. Rep. Weber of Walpole; **JUD-H**.

HB 217, Repeals RSA chapter 320, requiring hawkers and peddlers to obtain a license from the state. Rep. Yokela of Fremont; **ED&A-H**.

HB 218, Repeals RSA chapter 321, requiring itinerant vendors to obtain a license from the state. Rep. Yokela of Fremont; **ED&A-H**.

HB 222, Allows municipalities to issue decals for multi-use license plates, provided the decals are issued solely to municipal officers. Rep. Belanger of Epping; **TRANS-H**.

HB 225, Increases to two megawatts the electric generating capacity limit for customer generators participating in net energy metering and changes the method of calculating and paying for net metered energy. Rep. Plett of Goffstown; **ST&E**.

New Senate Bills

SB 2, Allows for pre-processing of absentee ballots for elections held before July 1, 2021, and allows for postponement of town meetings in 2021 due to COVID-19 concerns. Sen. Gray of Rochester; **no committee**.

SB 15, Ratifies certain amendments to the state building code and the state fire code. Sen. Carson of Londonderry; **ED&A-S**.

SB 17, Allows municipalities to adopt ordinances to allow dogs in outdoor areas of brew pubs. Sen. Birdsell of Hampstead; **COM-S**.

SB 18, Allows liquor manufacturers to offer samples at farmers’ markets with prior approval from the municipality’s governing body. Sen. Birdsell of Hampstead; **COM-S**.

SB 26, Repeals the requirement that the Town of Haverhill fund the Woodsville Fire District’s highway department and requires the town to assume responsibility for maintenance of highways within the district. Sen. Giuda of Warren; **ED&A-S**.

| 2021 NHMA UPCOMING MEMBER <u>VIRTUAL</u> EVENTS | |
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| Jan. 9 | 2021 Town & School Moderators Workshop (SB2 Meeting) (9:00 – 2:00) |
| Jan. 20 | Webinar: Municipal State Aid & Revenue Sharing (12:00 – 1:00) |
| Jan. 21 | Right-to-Know Law for Law Enforcement (9:00 – 12:00) |
| Jan. 27 | Webinar: 2021 Legislative Preview (12:00 – 1:00) – Rescheduled from Jan. 6 |
| 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. | |