

# LEGISLATIVE BULLETIN

## Meals & Rooms Tax Bill Would Restore 40% Distribution

**SB 99**, an **NHMA policy bill** relative to the amount of meals and rooms tax revenue that is distributed to municipalities, is scheduled to be heard by the Senate Ways & Means Committee at **9:45 a.m., Monday, February 8**. This bill would repeal the annual increase limit (a/k/a the “catch-up formula”) of the distribution to municipalities, so that 40 percent of net revenue is immediately distributed annually. Because the legislature has suspended this catch-up formula and capped the distribution amount for so long (10 of the past 12 years), the current distribution is far below the 40 percent required by RSA 78-A:26, I (c). If this bill were to pass, and if the legislature did not cap the distribution, the amount distributed to towns and cities in fiscal year 2022 would almost double to 40 percent.

A major uncertainty is how the state’s current \$81.5 million budget shortfall from the first half of the biennium ended June 30, 2020, will be affected by second-year budget performance. Currently, the total year-to-date fiscal year 2021 unrestricted revenues for the state general and education funds, as reported by the state’s Monthly Revenue Focus, are above plan by 10.2% (\$114.9 million) and above prior year by 11.0% (\$122.9 million). Unfortunately, meals and rooms tax revenue is practically the sole revenue source that is underperforming: year to date collections are below plan by 22.4% (\$54.7 million), and below fiscal year 2020 collections by 17.2% (\$39.5 million).

Meals and rooms tax is the largest source of state revenue sharing for towns and cities. Although the total state revenue has increased 67% in the past 10 years (\$204 million to \$340 million), the amount distributed to municipalities has increased only 17% (\$58.8 million to \$68.8 million). The loss of this state revenue, along with the loss and suspension of other statutory state revenue sharing and state aid over the past ten years, has had a major impact on local property taxes and municipal services. This bill represents an opportunity to remedy what has seemingly become a customary pattern to suspend, delay, defer, and cap municipal revenue sharing and state aid. It is an opportunity to begin to restore what has been promised to municipalities for decades and has existed in statute for just as long—an opportunity to begin to relieve the property tax burden that has been subtly downshifted to the local level.

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### Inside this issue:

Gun Bill Punishes Selectmen	2
Municipal Aid	3
State Aid Grants	3
Petitioned Articles in SB2	4
Health Officers Bill	4
“General Ledger” Bill	5
Community Power At Risk	6
Town Meeting/Pre-Processing	6
Planning/Zoning Bill	7
Electronic Signatures	7
Zoning Mandates	7
Ambulance Billing	8
Testifying at Hearings	8
House Calendar	9
Senate Calendar	11
New Senate Bills	12
Senate Floor Action	13
NHMA Events	13

### GOVERNMENT AFFAIRS CONTACT INFORMATION

**Margaret M.L. Byrnes**  
Executive Director

**Cordell A. Johnston**  
Government Affairs Counsel

**Becky I. Benvenuti**  
Government Finance Advisor

**Natch Greyes**  
Municipal Services Counsel

**Timothy W. Fortier**  
Communications Coordinator

**Pam Valley**  
Administrative Assistant



25 Triangle Park Drive  
Concord NH 03301  
Tel: 603.224.7447  
EM: [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org)  
Website: [www.nhmunicipal.org](http://www.nhmunicipal.org)

[NHMA's Municipal State Aid and Revenue Sharing](#) publication includes detailed information about the history and trends of the meals and rooms tax distribution, along with other revenue programs, and may be useful in tailoring your testimony to your town or city. Local officials are strongly urged to register your support as soon as possible in advance of Monday's hearing, and/or register to speak in support at the Zoom hearing. See the [Senate Remote Testimony Instructions](#). You can also email the [entire committee](#) or contact your senator directly.

## Gun Bill Would Punish Selectmen, Councilors

The [House Criminal Justice and Public Safety Committee](#) will hear testimony **next Wednesday** on [HB 307](#), a disturbing bill that seeks to punish local governing body members for innocent mistakes.

Some background: Current law, [RSA 159:26](#), states that “no ordinance or regulation of a political subdivision may regulate the sale, purchase, ownership, use, possession, transportation, licensing, permitting, taxation, or other matter pertaining to firearms, firearms components, ammunition, or firearms supplies in the state.” That is pretty clear.

On very rare occasions, local officials who are unaware of this law may try to regulate firearms, typically by banning guns in the town hall or other municipal buildings. When this happens, the town attorney usually advises them that the ban is unenforceable, and that is the end of it.

Rather than let these situations resolve themselves quietly, **HB 307** would subject the errant selectmen or councilors to shame and financial penalty. Under the bill, *any citizen of the state* could bring a civil action in the county where the citizen resides to require rescission of an ordinance or regulation that violates the law, and for the imposition of fines against the municipality. If the violation is found to have been inadvertent, the fine would be “only” \$500. The fines “shall not be payable by any insurance carried at taxpayer expense or by any tax monies”—meaning, apparently, that the local officials would be individually liable for paying them.

It doesn't stop there. The municipality would be required to pay the plaintiff's attorney fees and “liquidated damages” in the amount of \$100,000. Again, no public funds could be used to pay these amounts, nor could public funds be used to defend the action. It appears to be the intent that the selectmen/councilors would be on the hook personally for the entire amount. To finish things off, if the violation is found to be “purposeful or knowing,” the local officials would be subject to “removal from office by the governor.”

To summarize: If the selectmen in a southern New Hampshire town innocently adopt a regulation about firearms, not knowing that state law preempts it, **HB 307** would allow a resident of northern New Hampshire to sue them in far-removed Coos County and require them to pay the plaintiff's legal expenses and their own, and pay damages of \$100,000 plus at least \$500 in fines. If the violation is something other than “inadvertent,” things get worse.

All selectmen, councilors, and aldermen are volunteers, and very few of them are intimately familiar with all state laws. It is common for local governing bodies to adopt invalid regulations, almost always because they were innocently unaware of the law. The remedy in such cases is straightforward—the ordinance is simply unenforceable. If the municipality tries to prosecute someone for violating the ordinance, the court dismisses the case. More likely, the town attorney advises the selectmen that the ordinance is invalid, and the town never even tries to enforce it. No one is fined or removed from office. It is unclear why an ordinance that is preempted by RSA 159:26 ought to be treated any differently.

Apart from the bill's attempt to punish local officials, its substance is also cause for concern. The bill specifically states that a municipality may not “regulate the sale, use, or possession of firearms . . . *on any property owned, [in] whole or in part, by the [municipality].*”

This is a problem. It is already understood that a municipality may not prohibit someone from *carrying* a gun on town property, but governing bodies still have authority, under [RSA 41:11-a](#), to regulate the use of town property, which certainly includes the right to regulate the *sale* or *use* of guns on town property (but not elsewhere in town). **HB 307** would preempt that authority. Thus, if someone wants to host a gun show and sell firearms in the town hall parking lot, or on the town common, the selectmen would have no say. Hunting or target-shooting on town-owned athletic fields or in a town forest would be an absolute right.

Local officials who see problems with this bill are encouraged to contact members of the [Criminal Justice and Public Safety Committee](#) and their own representatives and urge them to **kill HB 307** as quickly as possible. You can also sign up to speak or register your opposition at the hearing on the [House Remote Sign-In Sheet](#). The hearing on **HB 307** is scheduled for **Wednesday, February 10, at 11:00 a.m.** Please contact us if you have any questions.

### **Property Tax Relief Act of 2021: Municipal Aid**

On **Tuesday, February 9, at 1:15 pm**, the Senate Finance Committee will hear [SB 118](#), an **NHMA policy bill** that would appropriate \$20 million in “municipal aid” for each of fiscal years 2022 and 2023. The bill requires that a minimum of 60 percent of the amount anticipated to be received be used for property tax rate reduction. The municipal aid would be issued to municipalities on or before October 1 in each fiscal year. Aid received by October 15, 2021, may be considered unanticipated revenue under RSA 31:95-b. Twenty percent of each municipality's distribution would be based on its statewide ratio of ADMR (average daily membership in residence of pupils who are legal residents of the school district). The remaining 80 percent would be based on its statewide ratio of ADMR eligible for free or reduced-price meals. Local officials are encouraged to sign up in support, to testify, or to submit written testimony via email to the [entire committee](#).

### **State Aid Grants for Wastewater & Water System Projects**

Hearings are scheduled **Tuesday morning, February 9**, on [HB 398](#) and [HB 412](#) and **Tuesday afternoon** on omnibus bill [SB 127-FN](#). These **NHMA policy bills**, which are identical House and Senate bills (although in the Senate, the bills are part of a larger omnibus bill) make appropriations for funding state aid grants (SAGs) for: 1) public water system projects and 2) wastewater projects.

In the House, [HB 398](#) would appropriate \$500,000 for each of fiscal years 2022 and 2023 to provide 20-25 percent of the annual principal and interest for any eligible project costs for regional water interconnection, water supply land protection, and surface water treatment. Water supply SAGs have not been funded since 2008, and this bill would lift that moratorium. [HB 412](#) would appropriate \$5.7 million for fiscal year 2022 and \$6.9 million for fiscal year 2023 to fund [11 eligible wastewater projects](#) that were substantially completed by December 31, 2019, but were held back from receiving state aid grant monies appropriated in the current budget biennium due to pandemic-related budget concerns.

In addition, **HB 412** would provide funding for [110 new projects](#) identified by the Department of Environmental Services as “hopeful” projects expected to be eligible for funding in fiscal years 2022-2023. **HB 412** would help ensure the state does not return to a previous pattern of placing substantially completed

projects eligible for state aid grants on a “deferred and delayed list” as occurred following the Great Recession, leaving municipalities to pick up the anticipated state share. It took 10 years before all of those projects were finally funded, only to reach the pandemic, which has now derailed the appropriations targeted for funding the remaining 11 projects.

In the Senate, omnibus bill [SB 127-FN](#), Parts VII and VIII, respectively, contain the identical provisions of both **HB 398** and **HB 412**.

**HB 398** and **HB 412** will be heard at **9:30 and 10:00 a.m., Tuesday, February 9**, in the House Finance Committee. [SB 127-FN](#) will be heard at **1:30 p.m., Tuesday, February 9**, in the Senate Finance Committee.

Local officials are encouraged to sign in support of each of these bills, and testify or email your written testimony to the [Senate Finance Committee](#) and the [House Finance Committee](#)

### **Petitioned Articles in SB 2 Towns**

On Tuesday, the [House Municipal & County Government Committee](#) will hear testimony on **HB 67**, relative to petitioned warrant articles in official ballot referendum (SB 2) towns. The bill states that if a petitioned article is amended at the first (deliberative) session of the town meeting, both the original article and the article as amended will be placed on the official ballot. If both articles are adopted, the amended article would supersede the original article.

We will oppose this bill. We understand the motivation behind it: people who submit a petitioned article are unhappy when it gets amended at the deliberative session to change the intent of the original article. They want their original article to go on the official ballot.

But that is not how a legislative body works. In any legislative body, once a motion is amended, the body votes only on the amended motion, not on the original motion. In the state legislature, if the House adopts an amendment to a bill, it would then vote only on the amended bill, not on the original bill. If the proponents don’t want the bill (or the petition) to be amended, they merely need to make sure they have enough votes to stop an amendment.

Further, the potential for confusion is obvious. It is very common for petitioners to realize, once they’ve submitted a warrant article, that it contains mistakes, or to learn new information that requires that the article be amended. For example, they submit an article to appropriate \$10,000 to a capital reserve fund, but a typo turns it into a \$100,000 appropriation. Everyone agrees that it’s a mistake, and there is a unanimous vote to amend it at the deliberative session; but under **HB 67** the town would now be required to include both a \$10,000 and a \$100,000 appropriation on the ballot.

The hearing is scheduled for **Tuesday, February 9, at 10:30 a.m.** Please contact committee members and your own representatives and ask them to oppose this bill. You can also sign up to speak or register your opposition at the hearing on the [House Remote Sign-In Sheet](#).

### **Improving the Health of the Health Officer Statutes**

On **Monday, February 8, at 9:00 a.m.**, the House Municipal and County Government Committee will hear **HB 79**, which would modify a number of statutes related to municipal health officials. These changes are, in large part, geared toward fixing problems that came to light over the course of the pandemic and will

enable health officers to integrate their local expertise better with the public health expertise at the Department of Health and Human Services.

Importantly, the bill would repeal the requirement that a health officer be a resident of the municipality that he or she serves, and help encourage multi-jurisdictional collaboration for appointment of health officers. Given the vast changes in public health knowledge since 1915, when these statutes were originally enacted, allowing municipalities to tap into the larger talent pool of public health specialists just makes sense.

In addition, the bill allows greater information sharing between local health officers and the Department of Public Health, which was a serious problem early in the pandemic, and strengthens the relationship between the two entities via an annually required collaborative examination of public health laws to ensure that New Hampshire can deal with current and emerging public health threats in an effective manner.

Last, **HB 79** would require DHHS to provide free training for local health officers, giving them access to the state experts in various areas of local concern and providing them tools and additional resources to address local health concerns more effectively.

Local officials are encouraged to contact members of the [Municipal and County Government Committee](#) and their own representatives and urge them to *support HB 79*.

### "General Ledger" Bill Would Be Costly

On Monday the House Municipal and County Government Committee heard **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 without a court-ordered emergency special town meeting; 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.

This bill would take the “no means no” provision (RSA 32:10, I(e)) to an extreme by prohibiting transfers to any line, no matter how far down in the detailed budget, if the line has zero dollars in it. Towns and cities face many unanticipated expenses during a year—certainly very few local officials expected to be spending any money for surgical masks or Zoom licenses when 2020 began. Although the “chart of accounts” is a dynamic financial tool, adding a new general ledger line item to create transparency, enabling detailed reporting, would be prohibited once a budget has been passed, unless a court-approved, emergency special town meeting was held to appropriate additional money to the new account. One town official spoke in opposition to the bill, along with NHMA. Several other towns and cities submitted written testimony, while still more signed in opposition to the bill. The committee is expected to vote on the bill in **executive session on Monday, February 8**. There is still time to register your concerns and opposition to the bill. Local officials are urged to email the committee members at [HouseMunicipalandCountyGovt@leg.state.nh.us](mailto:HouseMunicipalandCountyGovt@leg.state.nh.us).

## Bill Threatens Community Power

In 2019 Governor Sununu signed the “Community Power Law,” now codified in RSA 53-E, giving cities, towns, and counties greater control over their electricity choices. Community power aims to harness competitive markets to help lower energy costs and spur energy innovation.

Unfortunately, a bill backed by some in the utility industry, [HB 315](#), would gut the Community Power Law. It would undermine the ability of cities and towns to save on energy costs, increase resilience, and generate more renewable energy.

This is complicated stuff, and we are not experts by any means. However, those who understand **HB 315** have explained that the bill undermines the Community Power Law by:

- 1) Eliminating municipal authority to access competitive markets for energy services;
- 2) Restricting the energy services available through community power to those that are regulated and are subject to monopolistic control;
- 3) Removing community power access to data necessary for program implementation;
- 4) Subjecting cities and towns to regulation by the Public Utilities Commission.

Several municipalities have been working to implement community power for the benefit of electric customers and taxpayers. Other municipalities may be interested, even if they don’t know it yet. **HB 315** would stop this progress in its tracks. This is a huge step backward.

The bill is scheduled for a hearing next **Friday, February 12, at 3:00 p.m.**, in the [House Science, Technology & Energy Committee](#). Please contact members of the committee and your own representatives and ask them to **kill HB 315**. You can also sign up to speak or register your opposition at the hearing on the [House Remote Sign-In Sheet](#).

## Town Meeting/Pre-Processing Ballots

On **Monday, February 8, at 9:00 a.m.**, the [Senate Election Law & Municipal Affairs Committee](#) will hear testimony on **SB 83**, adopting “omnibus legislation relating to elections.” Not everything in the bill is of great interest to us, but a few things are:

- The bill extends RSA 32:13, II, to cover towns with May town meetings. This is the statute that allows a town to make expenditures between the beginning of the fiscal year and the date the budget is adopted that are reasonable in light of prior years’ appropriations. Ordinarily, this matters only to March meeting towns, which adopt their budgets more than two months after their fiscal year begins. But it became an issue last year for May meeting towns that had to postpone their meetings and were not able to adopt budgets by the beginning of their June 30 fiscal year. Only an emergency order allowed them to spend money before their budgets were adopted. **SB 83** would avoid that problem in a future emergency.
- The bill also allows for pre-processing of absentee ballots before an election, which we strongly support. However, we think the language in the bill may need some work to bring it in line with the process that was approved for the fall 2020 elections, which worked very well.
- Finally, the bill authorizes permanently the use of the “virtual” town meeting option that was authorized only for 2020 and 2021 in last year’s [HB 1129](#). The option could be exercised by the

governing body “due to health or safety concerns.” While we like the idea of an alternative format in an emergency, towns that are trying to use the **HB 1129** process have discovered that it has its shortcomings. This part of the bill may need some work, too.

## Omnibus Planning and Zoning Bill

Also on Monday, the [Election Law & Municipal Affairs Committee](#) will hear **SB 86**, “adopting omnibus legislation relative to planning and zoning.” The bill does three things:

- It provides that if a planning board requires third-party inspections during the construction process of an approved project, it must “develop a scope for the project inspection in consultation with the applicant.” Alternatively, the board may ask the applicant to provide a signed certification from the site plan designer stating that the project was built in accordance with the plans approved by the board. We think we can live with this language, as it leaves the inspection requirements up to the planning board, although the board must consult with the applicant and define the scope of the inspections. This does not seem unreasonable.
- The bill re-establishes the Housing and Conservation Planning Program within the Office of Strategic Initiatives to “provide technical assistance matching grants to municipalities to plan for growth and development in a manner that permits a balanced housing stock, including higher density and workforce housing opportunities, and promotes, whenever possible, the reuse of existing buildings, including historic properties, while protecting communities’ natural resources through more efficient and compact development.” We fully support this.
- Finally, the bill prohibits a municipality from adopting any ordinance or regulation that “prohibits or restricts a person or entity from installing a safe and commercially available heating or other energy system of their choice.” We have concerns about this provision, as it conflicts with the principle that municipalities should be free to adopt building code provisions that are more stringent than those contained in the state building code.

If you have comments, pro or con, about these matters, please contact the committee or sign up to speak or register your position using the [Senate Remote Sign-In Sheet](#).

## Electronic Signatures

On **Monday, February 8**, the [House Executive Departments and Administration Committee](#) will hear testimony on **HB 302**, which is intended to provide greater clarity on municipalities’ ability to use electronic signatures. This has been an issue during the pandemic as opportunities for sharing paper documents for signature were extremely limited. **HB 302** addresses this concern. Cities and towns may wish to continue the use of electronic signatures to reduce paper and become more efficient. Please ask committee members and your own representatives to support **HB 302**.

## Zoning Mandates

On **Tuesday, February 9**, the [House Municipal & County Government Committee](#) will hear testimony on two bills that would impose strict zoning mandates on municipalities.

- At **11:00 a.m.**, the committee will hear [HB 132](#), which would prohibit any local zoning ordinance from “requir[ing] more than a one half acre lot for single family housing where such housing does not use a well for its water source and does not disperse liquid from a black water septic tank into the ground of the lot.”
- At **12:00 noon**, the committee will hear [HB 189](#), which would require every municipality to allow up to three accessory dwelling units (ADUs) on any single-family dwelling unit in all zoning districts that permit single-family dwellings.

Of course, we must oppose both bills. We understand the need for more housing, but these mandates go too far. Many local officials will recall the battle several years ago over requiring towns to allow one ADU. It was difficult for us not to oppose that legislation; multiplying it by three is out of the question.

As for the half-acre lot maximum, municipalities are not all the same. Half-acre zoning does not work in every district in every municipality. In addition, this would be a disincentive for municipalities to extend their water and sewer lines.

## **Ambulance Billing**

The House Commerce and Consumer Affairs Committee heard [HB 343](#) this week. This is the latest in a long line of bills that aim to tackle a portion of the thorny issue of ambulance billing. This complex issue significantly impacts New Hampshire municipalities because the costs of running ambulance services fall largely on their shoulders, and the costs vary widely depending on the region served. **HB 343** does benefit municipalities by eliminating the current provision in the law that allows insurers to pay insureds, rather than providers, for ambulance transport services. However, the bill also changes the relationship between insurers and providers, meaning that municipalities may end up serving in a mediation role and, ultimately, may be required to appeal to the insurance commissioner to resolve payment disputes. We encourage those of you with experience on ambulance billing to contact members of the [Commerce and Consumer Affairs Committee](#) to share your thoughts.

## **How to Watch/Testify at a Legislative Hearing**

For those who are still learning, here are the instructions for participating in remote legislative committee hearings.

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 remote testimony instructions](#) or [Senate remote 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 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.

**TUESDAY, FEBRUARY 9, 2021**

**FINANCE**

- 9:30 a.m. **HB 398**, making an appropriation to the department of environmental services for funding eligible wastewater projects. **NHMA Policy.**
- 10:00 a.m. **HB 412**, making an appropriation to the department of environmental services for the purpose of funding public water system projects. **NHMA Policy.**

**MUNICIPAL AND COUNTY GOVERNMENT**

- 9:00 a.m. **CACR 9**, relative to municipal taxes. Providing that municipalities may not raise property taxes greater than 2 percent per year and no greater than 1 percent per year on disabled citizens or senior citizens.
- 10:00 a.m. **HB 64-L**, relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement.
- 10:30 a.m. **HB 67-L**, relative to warrant articles in official ballot town, school district, or village district meetings.
- 11:00 a.m. **HB 132-L**, relative to acreage required to build certain single family housing.
- 11:30 a.m. **HB 154-L**, relative to community revitalization tax relief incentives.
- 12:00 p.m. **HB 189**, relative to accessory dwelling units.

**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.
- 2:30 p.m. **HB 579**, requiring notice to the public before immigration checkpoints are conducted.

**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**

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

- 10:45 a.m. **HB 499**, prohibiting the state from using a face recognition system.

**LABOR, INDUSTRIAL AND REHABILITATIVE SERVICES**

- 9:00 a.m. **HB 113**, relative to payment for earned but unused vacation or personal time.
- 10:00 a.m. **HB 589-FN**, requiring workers' compensation to cover prophylactic treatment for critical Exposure.

**WAYS AND MEANS**

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

**FRIDAY, FEBRUARY 12, 2021**

**ELECTION LAW**

- 9:30 a.m. **CACR 4**, relating to redistricting. Providing that an independent redistricting commission shall be established to draw boundaries for state and federal offices. **NHMA Policy.**
- 10:00 a.m. **HB 77**, requiring town and city clerks to provide daily notification to the secretary of state

- of any filings for elected office.
- 10:30 a.m. **HB 285**, relative to verification of voter checklists.
- 11:00 a.m. **HB 326**, requiring town and city clerks to make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request.
- 11:30 a.m. **HB 476**, relative to election officers at additional polling places.
- 12:00 p.m. **HB 523-FN**, requiring a person who registers to vote without any identification to have his or her photo taken before his or her registration to vote is complete.

**SCIENCE, TECHNOLOGY AND ENERGY**

- 3:00 p.m. **HB 315**, relative to the aggregation of electric customers.

**WEDNESDAY, FEBRUARY 17, 2021**

**WAYS AND MEANS**

- 2:00 p.m. **HB 621-FN**, allowing registers of deeds to retain a portion of the land and community heritage investment program surcharge.

**SENATE CALENDAR**

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

**MONDAY, FEBRUARY 8, 2021**

**COMMERCE**

- 1:00 p.m. **SB 63**, relative to business liability protection for exposure to coronavirus and COVID-19.

**ELECTION LAW AND MUNICIPAL AFFAIRS**

- 9:00 a.m. **SB 86-FN**, adopting omnibus legislation relative to planning and zoning.
- 9:30 a.m. **SB 83**, adopting omnibus legislation relative to elections.

**WAYS AND MEANS**

- 9:45 a.m. **SB 99-FN-L**, relative to the amount of meals and rooms tax revenue that is distributed to municipalities. **NHMA Policy**.
- 10:00 a.m. **SB 128-FN-A-L**, relative to a temporary change to operator compensation under the meals and rooms tax.

**TUESDAY, FEBRUARY 9, 2021**

**FINANCE**

- 1:00 p.m. **SB 119-FN**, relative to the ordinary death benefit in the retirement system.
- 1:15 p.m. **SB 118-FN-A-L**, relative to the property tax relief act of 2021.
- 1:30 p.m. **SB 127-FN-A-L**, adopting omnibus legislation on appropriations.

**WEDNESDAY, FEBRUARY 10, 2021**

**HEALTH AND HUMAN SERVICES**

- 9:30 a.m. **SB 132-FN**, adopting omnibus legislation relative to COVID-19.

## New Senate Bills

**SB 109** establishes an exemption from 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.** Sen. Avard of Nashua; **E&NR.**

**SB 111** establishes the elements of a claim for medical monitoring following significant exposure to PFAS. Sen. Carson of Londonderry; **JUD-S.**

**SB 118** appropriates \$20 million in each of fiscal year 2022 and 2023 for aid to municipalities, at least 60 percent of which must be used for property tax rate reduction. Sen. D’Allesandro of Manchester; **F-S.**

**SB 119** allows the surviving spouse of a deceased retirement system member who is eligible for a service retirement to receive the maximum benefit, until the spouse’s death, that the member would have received if he or she had retired immediately prior to the time of death. Sen. Cavanaugh of Manchester; **F-S.**

**SB 126**, among other things, authorizes municipalities to review and approve newly constructed multi-family dwellings to ensure accessibility to persons with disabilities; prohibits a municipality from denying rental assistance due to substandard housing conditions in the dwelling where the applicant resides; and prohibits a municipality from requiring issuance of an eviction notices as a condition to providing rental assistance. Sen. Perkins Kwoka of Portsmouth; **COM-S.**

**SB 127**, among other things, appropriates funds to the housing finance authority for deposit in the affordable housing fund appropriates funding for eligible water and wastewater projects under RSA 486 and 486-A. **NHMA Policy.** Sen Bradley of Wolfeboro; **F-S.**

**SB 128** allows hotel, restaurant, and motor vehicle rental operators, for the fiscal year ending June 30, 2022, to retain 5 percent, rather than 3 percent, of meals and rooms taxes collected. Sen. Rosenwald of Nashua; **W&M-S.**

**SB 131**, among other things, allows municipalities to have winter maintenance programs be certified by the department of environmental services; and requires municipalities to maintain private roads and provide other services along private roads within a “qualified private community,” or provide a tax credit for residents of such a community equal to the amount they pay for such services. Sen. Watters of Dover; **TRANS-S.**

**SB 132**, among other things, requires an employer to reimburse the cost of a COVID-19 test for employees if the employer requires them to be tested. Sen. Prentiss of Lebanon; **HHS.**

**SB 134**, among other things, imposes strict liability on a person who damages or obstructs a highway. Sen. Carson of Londonderry; **JUD-S.**

**SB 136** increases the state minimum wage to \$10 per hour as of January 1, 2022, and to \$12 per hour as of January 1, 2024. Sen. Soucy of Manchester; **COM-S.**

## SENATE FLOOR ACTION

Thursday, February 4, 2021

SB 18, permitting tastings by liquor manufacturers at farmers markets. **Passed with Amendment.**

SB 30, permitting the towns of Tilton and Northfield to redraw their boundary lines. **Passed.**

SB 31, relative to voter checklists and modifying the absentee ballot affidavit. **Passed with Amendment.**

SB 42, restricting public officers from engaging in certain private dealings. **Passed.**

SB 48, relative to the formula used to determine current use tax rates. **Passed.**

SB 53, enabling municipalities to establish a community preservation and resilience program funded in part through a surcharge on real property. **Re-referred.**

SB 69-FN, requiring employers to provide access to a sufficient space for nursing mothers and reasonable break time. **Passed with Amendment.**

### 2021 NHMA UPCOMING MEMBER VIRTUAL EVENTS

Weekly	Friday Membership call (1:00 – 2:00)
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Please visit [www.nhmunicipal.org](http://www.nhmunicipal.org) for the most up-to-date information regarding our upcoming virtual 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.