

# LEGISLATIVE BULLETIN

## Important Opportunity for State Budget Testimony

The Senate Finance Committee will hold two public hearings on the state budget on **Tuesday, May 4, at 1:00 p.m. and 6:00 p.m.** *Members are encouraged to provide testimony about how the budget and the potential for additional state aid and revenue sharing could affect your town or city.*

[Legislative Bulletin #15](#) provided a summary and chart of the municipal funding included in the budget, **HB 1** and **HB 2**, as passed by the House. The Senate Finance Committee is now receiving agency budget presentations three days per week. The committee will continue its deliberations until later in May, when it will make recommendations regarding Senate priorities, appropriations, and revenues to the full Senate. As we have reported, there are four very important bills regarding municipal aid and revenue sharing that were laid on the Senate table last month; these bills can now be considered for inclusion in the state budget. The bills are:

- **SB 99** returns the municipal share of meals and rooms tax revenue to 40 percent, as reported by this [New Hampshire Senate News Release](#). Although state revenue from the tax has increased 67 percent in the past 10 years (\$204 million to \$340 million), the amount distributed to municipalities has increased only 17 percent (\$58.8 million to \$68.8 million). To calculate the impact of **SB 99** on your municipality, you can download this [NHMA calculation tool](#).
- **SB 118**, the “property tax relief act of 2021,” would distribute \$20 million in municipal aid for each of fiscal years 2022 and 2023, requiring 60 percent to be used for property tax rate reduction.
- **SB 127**, Parts VII and VIII, lifts the moratorium and provides funding for state aid grants (SAGs) for new eligible public water system projects (\$1 million) and new eligible wastewater projects

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(\$12.6 million) in fiscal years 2022 and 2023. Eligible projects include [11 wastewater projects](#) completed before December 31, 2019, but held back from receiving state aid grant monies appropriated in the current budget biennium, plus [110 new projects](#) identified as eligible for funding in 2022-2023. *Note: This is unrelated to the House action eliminating the \$15.6 included in the governor's budget for state aid grant payments for [previously approved projects](#); we are hopeful the Senate will also restore this funding.*

- **SB 72**, the “taxpayer rescue act of 2021,” requires the state to pay 15 percent of employer retirement contributions for teachers, police, and firefighters. The bill is an opportunity to honor a promise that was broken when the state eliminated its long-standing 35 percent contribution in 2013. As a result of that action, political subdivisions have paid more than \$729 million dollars in [additional](#) employer costs—costs that will increase 20 percent effective July 1, 2021, with the newest rate increase.

Municipal officials, again, are strongly encouraged to testify at the remote public hearings, or submit written testimony addressing concerns and needs specific to your municipality. Use the [Senate remote testimony link](#) to sign up if you plan to testify; let us know if you have questions about the process. And as always, please let NHMA know of any testimony you plan to offer.

## Remote Meetings Bill Scheduled

The House Judiciary Committee has scheduled its hearing on **SB 95**, which enables public bodies to continue to meet remotely as they have done under [Emergency Order #12](#) during the pandemic. The hearing is scheduled for **Tuesday, May 4, at 9:00 a.m.**

We have heard from many local officials about how well remote meetings have worked, and we have heard almost no complaints. We do expect that most, if not all, local boards will return to in-person meetings once it is safe to do so, but it certainly would be helpful to have the remote meeting option when circumstances warrant it—not only during a statewide emergency.

Because remote meetings are still relatively new and, admittedly, represent a significant change in the public meeting concept, the Senate included a sunset date of July 1, 2022, in the bill. After that date, the remote meeting option would disappear unless the legislature reauthorizes it. In the meantime, the bill creates a legislative committee to study remote meetings and make recommendations to the legislature. We think this is a prudent approach.

Local officials who would like to continue to have the remote meeting option are strongly encouraged to register in support of **SB 95** using the [House remote testimony form](#), or sign up to testify at the hearing on May 4. Please let us know if you have questions about the sign-up process.

## The Calm Before the Storm?

It was a relatively quiet week in the legislature, and, at least from current appearances, next week may be the same. However, these quiet weeks have a way of packing big surprises. This is the time of year when non-germane amendments start showing up, and bills thought to be dead find a second life. We will be on the lookout for those.

There were very few House committee hearing this week, and very few are scheduled for next week. In part this is because the Senate this year put much of its legislation into a small number of “omnibus” bills—so there are few hearings, but they tend to cover multiple subjects. There is no official word on when the full House will next meet in session.

Meanwhile, the Senate has been meeting in session every week and chipping away at House bills. It acted on several bills of municipal interest this week. Read on.

## Senate Action on Municipal Bills

The Senate passed the following bills yesterday, all of them on the consent calendar. All of the bills passed either without amendment or with minor technical amendments, so they are likely to become law unless vetoed.

***Town health officers.*** [HB 79](#) makes numerous changes to the health officer statutes. Among other things, it (1) eliminates the requirement that a health officer be a resident of the state; (2) allows greater information sharing between health officers and the Department of Health and Human Services (DHHS); (3) requires each local board of health to meet at least annually to review the state of local public health issues and provide information to DHHS on the readiness to address public health threats; and (4) requires every health officer to complete at least three hours of training within one year of appointment, to be provided at no cost by DHHS in collaboration with the New Hampshire Health Officers Association.

***Notice of tax lien execution.*** [HB 126](#) gives a municipality 60 days from the date of execution of a tax lien to notify all persons holding mortgages on the property. Current law allows only 45 days.

***Acquisition, sale, and demolition of municipal property.*** [HB 164](#) clarifies the authority of the governing body to demolish municipally owned buildings and requires review and recommendation by the heritage commission (if any) and the historic district commission (if the property is within a historic district), in addition to the planning board and the conservation commission, before the governing body may acquire or sell property under RSA 41:14-a or demolish or otherwise dispose of buildings.

***Restoration of involuntarily merged lots.*** [HB 284](#) repeals the December 31, 2021, deadline for owners of involuntarily merged lots to submit a request to the local governing body to have the lots restored to their premerger status. The legislature gave lot owners the right to make such requests in 2011, subject to a 2016 deadline. In 2016 the deadline was extended for five years. [HB 284](#) as introduced would have extended it for two more years. Although no one—not even the sponsor—testified in support of the bill in the House, the House amended the bill to remove the deadline altogether. The Senate agreed, with a minor technical amendment. We had proposed an amendment extending the deadline for restoration requests to 2031—20 years from the date of the original legislation—to be consistent with the 20-year statute of limitations for real estate actions, but that amendment was not adopted.

## More Municipal Bills in Senate Next Week

The Senate Election Law and Municipal Affairs Committee has hearings on several bills of municipal interest this coming **Monday, April 26**. Two are of particular concern:

***Adopting SB 2.*** [HB 374](#), scheduled for **9:30 a.m.**, would reinstate the process for a town to adopt SB 2 that was in effect before 2019, requiring the question to be placed on the official ballot, rather than debated

and voted on at the town meeting's business session. We believe that a fundamental change to the town meeting form of government is something that should be decided after a thorough and informed discussion among those voting. **HB 374** would instead relegate the decision to one sentence, without explanation, on the official ballot. This will leave voters a few seconds, alone in a voting booth, to make up their minds on the most significant change a town meeting is ever likely to make.

**Amending petitioned warrant articles.** **HB 67**, scheduled for **10:00 a.m.**, would prohibit an SB 2 town meeting deliberative session from amending a petitioned warrant article to "change its specific intent." As we keep saying, this makes no sense. It misapprehends a fundamental aspect of a legislative body: a question, once submitted, is subject to amendment. If the sponsors/petitioners do not want it to be amended, they need to marshal the votes to prevent it. **HB 67** is nothing less than an effort to thwart the will of the majority. Outvoted at the town meeting, the petitioners appeal to the state legislature to impose an anti-democratic rule. The House obliged; we hope the Senate will not.

Please use the [Senate remote sign-in sheet](#) to register your opposition to these bills. You do not need to testify (although that is certainly welcome). Or contact members of the [Election Law and Municipal Affairs Committee](#) and ask them to oppose the bills.

## HOUSE CALENDAR

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

### TUESDAY, APRIL 27, 2021

#### **EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

- 1:00 p.m. **SB 155-FN**, codifying provisions included in select emergency orders issued by the governor in response to the COVID-19 pandemic.
- 1:05 p.m. Public Hearing on non-germane amendment #2021-1149h to **SB 155-FN**, codifying provisions included in select emergency orders issued by the governor in response to the COVID-19 pandemic. The amendment amends two current sections of the bill and prohibits the state from requiring documentation of COVID-19 vaccination status.

#### **JUDICIARY**

- 9:00 a.m. **SB 134-FN**, adopting omnibus legislation relative to civil actions and criminal liability. Executive session on pending legislation may be held throughout the day (time permitting) from the time the committee is initially convened.

### WEDNESDAY, APRIL 28, 2021

#### **CRIMINAL JUSTICE AND PUBLIC SAFETY**

- 11:30 a.m. **SB 154**, prohibiting the state from enforcing a Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms.

#### **RESOURCES, RECREATION AND DEVELOPMENT**

- 9:00 a.m. **SB 146-FN**, adopting omnibus legislation relative to the environment.
- 3:00 p.m. Public Hearing on non-germane amendment #2021-1098h to **SB 146-FN**, adopting omnibus legislation relative to the environment. The amendment extends the deadline for the PFAS firefighting foam take-back program.

**TUESDAY, MAY 4, 2021**

**JUDICIARY**

- 9:00 a.m. **SB 95-FN**, adopting omnibus legislation relative to access to remote meetings, penalties for violation of privacy, and establishing a committee to study remote meetings.
- 9:30 a.m. **SB 126-FN**, adopting omnibus legislation on landlord tenant proceedings.

**WEDNESDAY, MAY 5, 2021**

**PUBLIC WORKS AND HIGHWAYS**

- 1:15 p.m. **SB 26**, relative to roads within the Woodsville Fire District.

**SENATE CALENDAR**

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

**MONDAY, APRIL 26, 2021**

**ELECTION LAW AND MUNICIPAL AFFAIRS**

- 9:00 a.m. **HB 476**, relative to election officers at additional polling places.
- 9:10 a.m. Hearing on proposed Amendment #2021-1127s, relative to election officers at additional polling place and relative to legalizing, ratifying, and confirming all actions, votes, and proceedings of the annual meeting of the town of Middleton, to **HB 476**, relative to election officers at additional polling places.
- 9:30 a.m. **HB 374**, relative to the official ballot referendum form of town meetings.
- 9:45 a.m. **HB 545**, relative to the use of certain out-of-state banks by the state treasurer and municipal and county treasurers or trustees.
- 10:00 a.m. **HB 67-L**, relative to warrant articles in official ballot town, school district, or village district meetings.
- 10:15 a.m. **HB 332**, relative to deadlines for consideration of developments of regional impact by planning boards.

**ENERGY AND NATURAL RESOURCES**

- 1:00 p.m. **HB 315**, relative to the aggregation of electric customers.

**TUESDAY, APRIL 27, 2021**

**COMMERCE**

- 9:30 a.m. **HB 385-FN**, relative to workers' compensation for heart and lung disease in firefighters.
- 9:45 a.m. **HB 448**, establishing a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees.

**JUDICIARY**

- 1:45 p.m. **HB 125**, relative to post-arrest photo distribution by law enforcement officers.

**TUESDAY, MAY 4, 2021**

**FINANCE**

- 1:00 p.m. **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2022 and June 30, 2023. **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.
- 6:00 p.m. **HB 1-A**, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 2022 and June 30, 2023. **HB 2-FN-A-L**, relative to state fees, funds, revenues, and expenditures.

## SENATE FLOOR ACTION

Thursday, April 22, 2021

**HB 64-L**, relative to renewable generation facility property subject to a voluntary payment in lieu of taxes agreement. **Passed.**

**HB 79**, relative to town health officers. **Passed.**

**HB 88**, relative to the city of Claremont police commission. **Passed.**

**HB 126**, relative to notice of execution of tax lien to mortgagees. **Passed.**

**HB 164**, relative to the acquisition, sale, or demolition of municipal land or buildings. **Passed with Amendment.**

**HB 284**, relative to the restoration of involuntarily merged lots. **Passed with Amendment.**

**HB 286**, establishing a committee to study the response of law enforcement and the criminal justice system to homelessness in New Hampshire. **Passed.**

**HB 375**, allowing the destruction of valueless contraband by the chief of police. **Passed.**

**HB 486-FN**, relative to eligibility for the low and moderate income homeowners property tax relief. **Passed; referred to Finance.**

**HB 530**, relative to candidate background checks for law enforcement officers. **Passed.**

<b>2021 NHMA UPCOMING MEMBER VIRTUAL EVENTS</b>	
Weekly	Friday Membership call (1:00 – 2:00)
May 6	A Hard Road to Travel (9:00 – 12:30)
May 18	Local Officials (9:00 – 4:00)
May 19	<b>Webinar:</b> Intersect: New Traffic Technology (12:00 – 1:00)
May 20	Code Enforcement (9:00 – 12:00)
Please visit <a href="http://www.nhmunicipal.org">www.nhmunicipal.org</a> 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.	