

LEGISLATIVE BULLETIN

A Return to Normal

After two very strange years, the 2022 legislative session represented a return to “normal”: the halls and hearing rooms were again filled with legislative activity involving a huge array of issues, many of which stemmed directly from the COVID-19 pandemic. As such, the 2022 session was hectic and as crowded with municipal issues as past sessions, with many bills questioning local control at its most fundamental level.

Except for veto override day, both the work of the legislature and of the governor are largely finished this year. Cities and towns fared very well during this legislative session, particularly on state aid which saw a non-budget year record-breaking \$100 million in direct aid sent to municipalities and almost \$150 million funding for additional grant and loan programs.

NHMA followed 400 bills this session, which is right around our average, and we saw a number of important municipal priorities enacted or, in most cases, defended. Among those were:

- Overturning the New Hampshire Supreme Court’s decision in *Merrimack Premium Outlets v. Town of Merrimack*, allowing municipalities to update their assessed values as appropriate.
- Protecting attorney-client privilege for municipalities.
- Defending the local control of the decision-making process for zoning of short-term rentals.
- Kickstarting broadband build out via changes in funding mechanisms.
- Updating the state building and fire codes.
- Helping municipal wastewater treatment facilities take action on PFAS.
- Harmonizing state law on storage of ballot counting devices with the secretary of state’s guidance.

In total, we have provided summaries of 95 of the 340 bills that were enacted into law this session. Some of these laws made such significant changes that we have added an appendix to this year’s *Final Bulletin* with

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further guidance. One portion of the appendix covers Chapter Law 189, pertaining to the state contribution to the employer share of the retirement contribution, and Chapter 338, providing additional money for municipal roads and bridges as well as the body and dash cameras. The other portion of the appendix was crafted in partnership with the New Hampshire Department of Business and Economic Affairs and outlines the land use law changes contained in Chapter Laws 272 and 291.

We owe a huge debt of gratitude to all of you, our local officials, members of our board, our many affiliate groups and partners, legislative policy committee members, and all who took the time to call, write, or visit a member of your legislative delegation or to attend a legislative hearing. Although the session ended on high note, there were many hard-fought battles that led to these “wins,” and they would not be possible without the engagement and support of our members. You are the ones who make a difference and help us, as staff, to do the jobs you expect. You are a pleasure to work with and we appreciate all that you do on behalf of those you represent.

Please remember to thank your legislators who have assisted by sponsoring municipal legislation, by voting to help local interests, and by listening to the concerns you have expressed about legislative issues. Without them, no NHMA position would ever be taken by the legislature.

Finally, we note that we are especially grateful for the hard work of Pam Valley and Tim Fortier, both of whom assist immensely with the *Legislative Bulletin* and other important behind the scenes work. You make it all possible!

In the pages that follow, you will find summaries of all new laws affecting municipal government, arranged by subject matter and in numerical order by chapter number. The summaries are brief and do not purport to explain the law in detail. Each chapter number is linked to the full text of the law, so be sure to read the law carefully and/or contact NHMA or your local legal counsel to make sure that you understand it.

Have a healthy and happy end of your summer and do not hesitate to call with questions, concerns or suggestions!



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I. Elections

Municipal Voter History Made Accessible in Statewide Centralized Voter Registration Database. [Chapter 54](#) (HB 1010) adds “municipal election” to the definition of “voter history” for the purpose of information that the secretary of state shall provide to a political party or political committee upon request for every registered voter in the state. “Voter history” means whether the person voted and, for primary elections, in which party’s primary the person voted, in each state election and municipal election for the preceding 2 years. **Statute amended: RSA 654:31, IV. E.D. July 19, 2022.**

Internet Connection of Electronic Ballot Counting Devices Prohibited. [Chapter 62](#) (HB 1157) clarifies existing procedure prohibiting electronic ballot counting devices, *i.e.* voting machines, from being connected to the internet. **Statute amended: RSA 656:42. E.D. July 19, 2022.**

Storage of Ballots Post-Election. [Chapter 73](#) (HB 1457) adopts existing election procedures developed by the New Hampshire secretary of state as state law for the purpose of storage of ballots and absentee ballot materials. Now, containers containing ballots and absentee balloting materials that have been sealed after an election according to instructions provided by the secretary of state shall be logged and stored in a location determined by the clerk. The containers shall be accessible only to individuals working under the direction of the town clerk, as required for recounts, or as necessary for the secretary of state to verify the container storage. When the containers are removed to allow for destruction of ballots in accordance with RSA 33-A:3-a, the destruction of the ballots and absentee balloting materials shall be the final entry in the log. **Statute amended: RSA 659:98. E.D. July 19, 2022.**

Long Report Tape from Ballot Counting Device Must Be Forwarded to Secretary of State. [Chapter 78](#) (HB 1527) requires that the clerk for any town or ward that uses an AccuVote electronic ballot counting device in a state election print and forward a paper copy of the long report tape to the secretary of state with the return of votes form in addition to retaining a paper copy in accordance with paragraph I of RSA 659:75. **Statute amended: RSA 659:75. E.D. July 19, 2022.**

Change to Process for Machine-Counted Overvoted Ballots. [Chapter 134](#) (HB 1163) requires that electronic ballot counting devices be programmed to return a ballot which contains more than the allowable number of votes for an office or ballot question on the ballot, known as an “over voted ballot,” to the election day voter by the device. The law further requires that the election official instruct the voter with the over voted ballot to place the ballot in an auxiliary compartment to be hand counted by election officials after the polls close. Likewise, over voted ballots of absentee voters will be placed in the auxiliary compartment by the moderator or his or her appointee to be counted after the polls close. **Statute amended: RSA 656:42, XI; 659:73, IV. E.D. July 7, 2022.**

Electronic Copies of Voter Checklist Made Available. [Chapter 201](#) (HB 1496) requires towns and cities to make voter checklists available in electronic form to any person requesting a copy. Prior law only required furnishing paper copies. **Statute amended: RSA 654:31. E.D. August 16, 2022.**

Certain Election Officials Disqualified from Performing Duties. [Chapter 212](#) (SB 242) disqualifies a moderator, clerk, select board member, inspector of elections, or supervisor of the checklist whose name appears on a ballot for an elective position, other than the position of an election official, from handling marked ballots and the counting of votes. Additionally, allows the moderator to assign any disqualified election official to other duties not related to the tabulation of votes. **Statutes amended: RSA 658:24; 659:58. E.D. August 16, 2022.**

Intimidation of Election Officers Prohibited and Official Misconduct Amended. [Chapter 234](#) (SB 405) changes several criminal statutes, including creating a prohibition on intimidating election officers and amends the official misconduct statute. The intimidation statute prohibits individuals from using or threatening force, violence, or any tactic of coercion or intimidation to knowingly discourage, interfere with, or compel any individuals assisting at the polling place from engaging in or completing duties related to an election. The official misconduct statute now states that any election official who shall negligently fail to perform such duty or who shall negligently perform it in such a way as to hinder the objects thereof shall cause the county, city, town, school district, village district, or other political subdivision, where such conduct occurred to be subject to a civil penalty of not less than \$250 nor more than \$1,000 for each act. Existing law already prohibited knowing failure to perform election duties or knowing performance of duties in such a way as to hinder the objections thereof. The attorney general's office will negotiate and enforce the new penalty. (See parallel amendments to existing law in Chapter 327.) **Statutes amended: 659:40-b; 659:104; 666:3. E.D. January 1, 2023 for Sections 1-4; August 16, 2022 for remainder.**

Provisional Ballots Created. [Chapter 239](#) (SB 418) creates provisional ballots for first time voters where the voter is registering to vote for the first time in New Hampshire on election day and does not meet any existing statutory identity requirements or have a valid photo identification. First time registrants falling in this category will be handed an "affidavit voter package" created by the secretary of state and be required to provide information to the secretary of state's office within 7 days of the date of the election. Failure to return the required information will result in the secretary of state contacting the moderator where the ballot was cast and deducting the votes from the vote total. The ballots themselves will be identified in sequential order ("affidavit ballot #___) and placed in a container marked "Affidavit Ballots" and hand counted after the polls have closed. The bill also creates additional photographic requirements and processing requirements for affidavit voters and ballots. **Statutes amended: RSA 659:13; 659:23-a; 660:17-a. E.D. January 1, 2023.**

Electronic Poll Book Regulations Changed. [Chapter 276](#) (SB 364) extends the time requirement for markup of a backup checklist in the use of electronic poll books to 30 minutes from 10 minutes. **Statute amended: RSA 652:27. E.D. August 23, 2022.**

Election Challengers Location Redefined. [Chapter 282](#) (HB 1174) requires the moderator to assign an election challenger appointed pursuant to RSA 666:5 to a position within the polling place that will enable the challenger to see and hear the hand-counting of ballots for the tabulation of votes, and to maintain a line of sight on any electronic ballot counting device. **Statute amended: RSA 666:5-a. E.D. July 11, 2022.**

2022 Election Audit Authorized. [Chapter 284](#) (SB 366) authorizes the secretary of state to conduct an audit of the AccuVote electronic ballot counting devices used in the 2022 state primary and general elections by selecting at least two towns or city wards that use the ballot counting devices in the primary election and,

optionally, not less than four in the general election. The audit team will use a high-speed scanner to scan and recount the votes, with the results being due prior to noon the Friday following the election. **Statute amended: none. E.D. July 1, 2022.**

Election Misconduct Statute Modified. [Chapter 327](#) (HB 1567) provides that the attorney general shall investigate misconduct by an election official and, if the official is convicted, his/her right to vote will be removed. Additionally, provides that negligent conduct of an election official in the performance of his/her election duties will cause the imposition of a civil penalty of not less than \$250 nor more than \$1,000 per act upon the municipality as well as restitution damages. (See parallel amendments to existing law in Chapter 234.) **Statute amended: RSA 666:3. E.D. September 6, 2022.**

II. Energy & Utilities

Commission to Study the Assessing of Power Generation and Utility Transmission Established. [Chapter 49](#) (HB 410) establishes a commission to study the assessing of power generation and utility transmission. The commission shall: (a) determine the most accurate methodology for assessing power generation assets and utility transmission; (b) compare the efficacy of the department of revenue administration approach to assessing the assets of the 59 power generation facilities with the approaches utilized by the municipalities; (c) understand how other states handle the assessing of power generation facilities and utility transmission for property tax purposes; (d) recommend a unified approach to be utilized by both the department of revenue administration and municipalities, which should include confidential data reporting requirements by the power generation companies for the methodology chosen. **Statute amended: RSA 72:8-f. E.D. May 20, 2022.**

Committee Created to Study Feasibility of Replacing Site Evaluation Committee. [Chapter 128](#) (SB 256) establishes a committee to study the feasibility of replacing the site evaluation committee with an office of energy siting, within the New Hampshire department of energy, to handle all preliminary siting activities and authorizing the public utilities commission to act as a final adjudicative body and the ability of the public utilities commission to assume the adjudicative functions of energy siting in New Hampshire. The committee will also study the current structure, process, authority, funding, and functions of the site evaluation committee as well as the structure, process, authority, funding, and function of public bodies that oversee energy siting in other states. **Statute amended: None. E.D. May 27, 2022.**

Notice Requirements of Electric Aggregation Programs Changed. [Chapter 129](#) (SB 265) changes the requirements for notice to retail electric customers within the municipal or county service area for electric aggregation programs. If the program includes an opt-out alternative default service, the municipality or county shall mail written notification to each retail electric customer within the municipality or county service area where such opt-out service is to be provided. If an electric aggregation program or energy service is offered only on an opt-in basis, mailing of written notification to each retail electric customer within the municipality or county service area shall not be required. In addition, public notice of aggregation programs shall also be posted. **Statute amended: RSA 53-E:7, II. E.D. July 26, 2022.**

Site Evaluation Committee Changes. [Chapter 176](#) (SB 429) extensively amends the site evaluation committee. The law changes who may be appointed to the committee, reduce the committee's quorum requirement to five members, changes the mandatory training requirements for the committee, applies RSA 91-A (the Right-to-Know Law) to the committee's notice requirements, increases the fees for applications for energy generation and transmission facilities and pipelines, and changes the operation of the committee's enforcement operations, including fine provisions. **Statute amended: RSA 162-H:3; 162-H:4; 62-H:8-a;**

162-H:9; 162-H:10; 162-H:12; 162-H:21. E.D. July 1, 2022 for Sections 5, 8, and 10; January 1, 2023 for Section 6; August 6, 2022 for remainder.

Office of Offshore Wind Development to Make Recommendations. [Chapter 177](#) (SB 440) requires the Office of Offshore Wind Industry Development to consult with other state agencies, public utilities, and any relevant stakeholders, and then report on its recommendations regarding the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources on or before June 30, 2024. **Statute amended: RSA 12-P:7-b, II. E.D. June 7, 2022.**

Commission to Study Removal of Unused Utility Poles. [Chapter 286](#) (HB 169) creates a commission to study the removal of unused utility poles following the transition of equipment, lines, and cables to new utility poles. **Statute amended: RSA 231:182-a. E.D. July 1, 2022.**

Dept. of Energy to Report on Municipal Authority Over Fuel Sources. [Chapter 321](#) (HB 1148) requires the department of energy to create a report for the legislature on the authority of municipalities to enact or enforce a resolution, ordinance, rule, code, policy, or take any action that restricts or prohibits or has the effect of restricting or prohibiting the types or fuel sources of energy production which may be used, delivered, converted, or supplied to customers and any restrictions on the authority of municipalities to implement policies or goals to meet “net-zero” or “zero emissions” targets. **Statute amended: none. E.D. July 8, 2022.**

Municipalities May Participate in Group Net Metering. [Chapter 328](#) (SB 262) allows, among other things, for municipalities to participate in group net metering. **Statute amended: RSA 362-A:9, XIV(a). E.D. September 6, 2022.**

III. Environmental Regulation & Waste Management

Solid Waste Working Group Duties Expanded. [Chapter 95](#) (SB 380) adds two additional charges to the solid waste working group’s duties: (1) review and make recommendations regarding municipal solid waste plans and implementing the prohibition of any landfill in the state from accepting waste from a municipality that does not have a solid waste management plan and (2) review and make recommendations regarding the development of a solid waste disposal site evaluation committee or better defining alternative site analysis in RSA 149-M:9. **Statute amended: RSA 149-M:61, III. E.D. August 7, 2017.**

Engineer or Hydrogeologist May Be Required for State Evaluation of Landfill Permit. [Chapter 97](#) (SB 396) allows the New Hampshire Department of Environmental Services (NHDES) to retain, at the applicant’s expense, an independent licensed professional engineer or hydrogeologist to assist the department in determining what information is necessary to render the application technically complete, assessing during the technical review of the application whether the application meets the requirements for approval, and/or ensuring that the department processes the application in a timely manner. **Statute amended: RSA 149-M:9, XV. E.D. July 19, 2022.**

Upland Invasive Species Program Created. [Chapter 153](#) (SB 267) establishes the upland invasive species program, program fund, and program coordinator in the Department of Agriculture, Markets, and Food to address invasive species infestations. The program coordinator will make statewide maps of invasive species infestations and notify municipalities of such infestations. Additionally, each municipality is required to designate an existing employee, agency, or other designee as the contact point for the upland land invasive species coordinator in order to address local invasive species issue. The program fund is designed for funding

the purchase of necessary equipment and materials in support of invasive species remediation. **Statute amended: RSA 6:12, I(b); 430:58. E.D. June 30, 2022.**

Moratorium on New Landfill Permits Until State Solid Waste Plan Updated. [Chapter 199](#) (HB 1420) repeals existing law relative to issuance of permits for construction of new landfills and replaces it with a requirement that the New Hampshire Department of Environmental Services issue a permit for the construction of a new landfill, excluding the expansion of existing landfills, unless the department makes a positive determination that the permit application is consistent with the state's updated solid waste plan. **Statute amended: RSA 149-A:9. E.D. June 17, 2022.**

Air Emissions of PFAS may be Regulated. [Chapter 204](#) (HB 1546) authorizes the New Hampshire Department of Environmental Services to regulate air emissions of per and polyfluoroalkyl substance (PFAS). **Statute amended: RSA 125-I:4. E.D. January 1, 2022.**

Advanced Recycling Facilities Regulated. [Chapter 224](#) (SB 367) defines and regulates advanced recycling and advanced recycling facilities. Advanced recycling means a manufacturing process for the conversion of post-use polymers and recovered feedstocks into basic raw materials, feedstock chemicals, and other products like waxes and lubricants through processes that include pyrolysis, gasification, depolymerization, catalytic cracking, reforming, hydrogenation, solvolysis, and other similar technologies. NHDES is charged with regulating advanced recycling facilities as manufacturing facilities. **Statutes amended: RSA 149-M:4; 149-M:62; 149-M:63. E.D. August 16, 2022.**

Solid Waste Management Fund Established. [Chapter 226](#) (SB 379), in relevant part, establishes the solid waste management fund and grant program. This fund is a non-lapsing, revolving fund that that will be used to distribute funds from the United States Environmental Protection Agency and other federal agencies. The fund is to be used to provide matching grant funding to New Hampshire municipalities, private entities, and businesses for projects that will provide a demonstrated, significant improvement in waste diversion methods and contribute to a reduction of wastes, including hazardous waste materials, requiring disposal, including a regional or municipal materials recovery facility operated by a public or private entity, and other regional recycling efforts. **Statute amended: RSA chapter 149-R. E.D. July 1, 2022.**

(Non) Flushable Wipes to Be Studied. [Chapter 296](#) (HB 1134) establishes a legislative committee to study proper labeling and disposal of disposable wipes, including impacts to water quality and the associated costs to New Hampshire municipalities for impacts on wastewater infrastructure from wipes that are flushed. **Statute amended: none. E.D. July 1, 2022.**

Wastewater Treatment Plants May Require PFAS Testing. [Chapter 299](#) (HB 1185) allows wastewater treatment plants to require any industrial or commercial facilities or septic haulers of industrial or commercial waste contributing discharge to its plant to test such discharge to determine the level of PFAS in the discharge. Further, allows a wastewater treatment plant to refuse discharge from an industrial or commercial facility or septic hauler of industrial or commercial waste that has reported a level of PFAS in its discharge above the level the wastewater treatment plant determines to be acceptable. **Statute amended: RSA 485-A:5-e. E.D. July 1, 2022.**

No Self-Design of Septic Systems. [Chapter 302](#) (HB 1188) repeals the exemption allowing any person who desires to submit plans and specifications for a sewage or waste disposal system for the person's own domicile to do so without a permit. **Statutes amended: 485-A:31, I; 485-A:35, II. E.D. August 30, 2022.**

\$25 Million for PFAS Fund & Soil Rules Forthcoming. [Chapter 326](#) (HB 1547) allocates \$25 million to the PFAS Remediation Loan Fund and requires the Department of Environmental Services to initiate

rulemaking relative to PFAS remediation in the soil by November 1, 2023. **Statutes amended: RSA 485-C:4, VIII, 485-H:3, 485-H:11, I, 485-H:13. E.D. June 30, 2022 for Section 10; July 8, 2022 for remainder.**

IV. Finance

Municipal Audit Requirement. [Chapter 127](#) (SB 239) requires that the Department of Revenue Administration (DRA) be notified when a municipal audit is completed and establishes a fine for noncompliance with municipal audit requirements. Political subdivisions must conduct an audit within one year after the close of the fiscal year. The law also allows DRA to assess a fine of up to \$250 per day for every day of noncompliance. This fine would commence 90 days after the DRA has provided the municipality written notice of the intent to levy such fine. **Statute amended RSA 21-J:15, II-IV. E.D. May 27, 2022.**

Committee to Study the New Hampshire Public Investment Pool (NHPDIP). [Chapter 154](#) (SB 272) creates a study committee to study the oversight and operation of the public deposit investment pool. **Statute amended: None. E.D. June 7, 2022.**

Opioid Abatement Trust Fund and Advisory Commission. [Chapter 155](#) (SB 275) revises the disbursements from the Opioid Abatement Trust Fund to be based on the most recent decennial census (2020) and establishes the types of programs and services the commission must support through disbursements from the fund. Additionally, the law requires the Department of Health and Human Services to include available measures of success and corresponding data of programs funded in their annual report for the Opioid Abatement Trust Fund. **Statutes amended: RSA 126-A:83, II; 126A:85, II(k); 126-A:86, I(b); 126-A:85, II-III; 126-A:84, VI. E.D. August 6, 2022.**

Technical Changes to Tuition Amounts Paid to Chartered Public Schools and to Adequate Education Grants to Municipalities. [Chapter 175](#) (SB 386) revises technical errors that exist in the adequacy law to address the difference between average daily membership in attendance (ADMA) versus average daily membership in residence (ADMR). Additionally, the word “SWEPT collected,” will now read “SWEPT warrant” as the state does not have any data on what SWEPT is collected or not collected at the local level. Finally, the law clarifies the definition of “student” to be consistent. **Statute amended: RSA 194-B:1, I-II; 194-B:11, I(a)-(b); 198:38; 198:40-a; 198:40-d-e. E.D. July, 1, 2022.**

Disaster Relief Loans. [Chapter 236](#) (SB 409) modifies the conditions under which the governor can approve an exceptional disaster relief loan. This law allows the governor, with the approval of the executive council, to approve a non-interest-bearing loan in the amount up to the anticipated FEMA grant. **Statute amended: RSA 21-P:37-c, II. E.D. June 17, 2022.**

Commission to Study Alternatives to the Road Toll. [Chapter 255](#) (HB 1040) establishes a commission to study revenue alternatives to the road toll (gas tax) for funding highways and bridges and their “resulting improvements to the environment.” **Statute amended: RSA 21-J. E.D. November 1, 2022, for Section 2 and June 24, 2022, for remainder.**

Medicaid Reimbursement Rates for Ambulance Services. [Chapter 322](#) (HB 1256) increases the Medicaid reimbursement rates for ambulance services equal to 50 percent of the Medicare reimbursement rate for ambulance services based on rates effective June 30, 2022. **Statute amended: None. E.D. September 6, 2022.**

Disaster Assistance for Municipalities. [Chapter 339](#) (SB 402) allows the director of the Division of Homeland Security and Emergency Management, with the approval of the fiscal committee, the governor, and the executive council, to disburse state aid in an amount not to exceed 50 percent of the non-federal share of projects eligible for costs relating to public assistance disaster grants and hazard mitigation grants. **Statute amended: RSA 21-P:37-d. E.D. July 25, 2022.**

V. Governance

Any Village District May Vote to Have 5 Commissioners. [Chapter 59](#) (HB 1069) allows any village district to choose by warrant article at its annual meeting to elect 5 rather than 3 commissioners. Previously, only village districts within the towns of Merrimack and Hooksett were allowed to choose to have 5 rather than 3 commissioners. **Statute amended: RSA 670:2-a. E.D. July 19, 2022.**

Department of Revenue Administration (DRA) Confidentiality Requirements Relating to Assessors. [Chapter 123](#) (SB 53) now exempts records related to the assessing standards board and the certification and decertification of assessors from confidentiality requirements. **Statute amended: RSA 21-J:14, IV(a). E. D. May 27, 2022.**

Recreational Liability Definitions Amended. [Chapter 207](#) (HB 1579) amends the recreational liability statute to state that a contribution or other voluntary payment not required to be made to use the land, or a lease for a nominal fee to the state or any political subdivision or to a nonprofit, trust, or association, does not qualify as a charge or fee. Prior law only defined “charge” as “a payment or fee paid by a person to the landowner for entry upon, or use of the premises, for outdoor recreational activity” without further clarification about voluntary payments. **Statutes amended: RSA 212:34; 508:14. E.D. August 16, 2022.**

Federal Firearms Law Enforcement Barred. [Chapter 258](#) (HB 1178) prohibits the state and its subdivisions from enforcing any federal statute, regulation, or Presidential Executive Order that restricts or regulates the right of the people to keep and bear arms. **Statute amended: RSA chapter 159-E. E.D. June 24, 2022.**

Right-to-Know Ombudsman Created. [Chapter 250](#) (HB 481) creates the office of the Right-to-Know Ombudsman and modifies the Right-to-Know Law to allow a complaint to be filed with the ombudsman rather than superior court. The position of the Right-to-Know Ombudsman sunsets on July 1, 2025, unless reenacted. **Statutes amended: RSA 91-A:7; 91-A:7-a; 91-A:7-b; 91-A:7-c; 91-A:7-d; 91-A:8. E.D. July 1, 2022.**

Assessor Certification Board Created. [Chapter 267](#) (HB 1552) creates an independent assessing certification board within the Office of Professional Licensure and Certification. The board shall have jurisdiction to issue original certifications, issue renewal licenses or certifications, conduct examinations, administer appropriate fees for the aforementioned applications, conduct disciplinary hearings, and create the necessary rules for the implementation of the statute. **Statutes amended: RSA 21-J:14-f; 21-J:14-g; 21-J:39; 31-95-g; 79-A:3; chapter 310-C. E.D. January 1, 2023.**

Privacy of Donors to 501(c) Organizations Established. [Chapter 336](#) (SB 302) prohibits public agencies and public bodies from releasing any list, record, register, registry, roll, roster, or other compilation of data that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code, subject to some exceptions. Release of said information is subject to a civil action with a penalty of injunctive relief and/or damages of not more than \$7,500 for intentional violations or not more

than \$2,500 to compensate for injury or loss caused by the violation. Attorney costs and fees may also be awarded to the plaintiff, if appropriate. **Statutes amended: RSA 91-C. E.D. January 1, 2023.**

VI. Housing, Planning, Zoning & Land Use

Interstate Natural Gas Transmission Pipeline Operator Made Abutter. [Chapter 75](#) (HB 1491) makes any interstate natural gas transmission pipeline operator an abutter for the purposes of any development that occurs within 1,000 feet of the center point of the natural gas transmission pipeline. Upon determination that a natural gas transmission pipeline operator is an abutter, development may not commence unless one of the following occurs: (a) the operator provides written consent, (b) there is sufficient written evidence between the operator and applicant to determine that the pipeline will not be affected, or (c) the operator does not respond within 180 days of the application being filed and notice being provided. **Statute amended: RSA 674:75. E.D. January 1, 2023.**

Minimum Size of Recovery Houses Changed. [Chapter 88](#) (SB 223) changes the minimum square footage for any recovery house from 200 square feet per resident to 50 square feet per bed per sleeping room. **Statute amended: RSA 155:10-d, I(i). E.D. July 19, 2022.**

Changes to the Advisory Board of a Tax Increment Financing District. [Chapter 151](#) (SB 251) requires members of an advisory board for a tax increment financing district created by the legislative body to be owners or occupants of real property within the community and requires at least one member to be an owner or occupant of real property within the district. The intent of the law is to create fair representation for both business and community interests. **Statute amended: RSA 162-K:14, I. E.D. August 6, 2022.**

Committee to Study Property Blight in Municipalities. [Chapter 167](#) (SB 334) creates a committee to study strategies and barriers to managing real property blight within New Hampshire cities and towns and establishing responsible parties for these properties. The committee shall study the definition of “vacant” and “abandoned” real properties, the prevalence and scope of real property blight and problems related to reaching the responsible party, and the feasibility of establishing legislation requiring a party to register blighted real property and to mitigate the circumstances present, and any other related information. **Statute amended: none. E.D. June 7, 2022.**

Study of Feasibility of Constructing Pier on Hampton Beach. [Chapter 181](#) (SB 346) requires the Hampton Beach Area Commission to study the feasibility and impacts of constructing and maintaining a pier directly south of Boar's Head in the town of Hampton. The commission shall report its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2022. **Statute amended: None. E.D. June 13, 2022.**

Joint Committee on Code Enforcement Eliminated and Advisory Committee on State Building and Fire Code Created. [Chapter 232](#) (SB 398) eliminates the joint committee on code enforcement and creates the advisory committee on state building and fire codes. The advisory committee is comprised of state legislators and is charged with working with the building code review board and board of fire control. **Statute amended: RSA 153:4-b. E.D. June 17, 2022.**

State Review of Local Amendments to Building and Fire Codes. [Chapter 242](#) (SB 443) requires municipalities to submit proposed local amendments to the state building code to the state building code review board for review and confirmation prior to adoption and provides a timeline for such submission. The board will review the proposed amendments to confirm that the local amendment does not establish

requirements conflicting with, or less stringent than, the requirements of the state building code. The law creates a similar obligation for local amendments to the state fire code with the state fire marshal being responsible for review and confirmation. **Statutes amended: RSA 153:4-a; 155-A:3; 155-A:7; 155-A:10; 674:51. E.D. January 1, 2023.**

Housing Stability Council Created. [Chapter 251](#) (HB 503) establishes the state council on housing stability for the purpose of implementing the plan to create housing stability for all citizens of the state of New Hampshire. The council shall conduct a housing needs assessment in each county and make recommendations on the barriers to affordable housing and what can be done to remove such barriers. **Statute amended: none. E.D. June 24, 2022.**

Land Use Statutes Modified. [Chapter 272](#) (HB 1661) makes a number of significant changes to New Hampshire's land use statutes. [Please see the attached supplemental summary for a detailed summary of these changes.](#) **Statutes amended: RSA 162-K:2, IX-a; 162-K:6, III(h) & (i); 673:3-a; 673:16, III; 674:17, IV; 676:3, I; 674:33, VIII; 676:4, I(c) & (f); 677:20. E.D. January 1, 2023 for Section 75; July 1, 2023 for Section 72; August 23, 2022 for remainder.**

Local Regulations on Primarily Religious Use of Land Restricted. [Chapter 291](#) (HB 1021) provides that no zoning ordinance or site plan review regulation shall prohibit, regulate, or restrict the use of land or structures primarily used for religious purposes; provided, however, that such land or structures may be subject to objective and definite regulations concerning the height of structures, yard sizes, lot area, setbacks, open space, and building coverage requirements as long as said requirements are applicable regardless of the religious or non-religious nature of the use of the property and do not substantially burden religious exercise. [Please see the attached supplemental summary for a detailed summary of this change.](#) **Statute amended: RSA 674:76. E.D. July 1, 2022.**

State Building & Fire Codes Updated. [Chapter 311](#) (HB 1681) updates the state building code by adopting the following: International Building Code 2018, the International Existing Building Code 2018, the International Plumbing Code 2018, the International Mechanical Code 2018, the International Energy Conservation Code 2018, the International Swimming Pool and Spa Code 2018, the International Residential Code 2018, and the National Electrical Code 2020. Updates the state fire code by adopting the following: Life Safety Code, NFPA 101, 2018 edition, and the Uniform Fire Code NFPA 1, 2018 edition. Additionally, requires that municipalities submit proposed amendments to the state building code to the state building code review board for review and confirmation prior to adoption beginning January 1, 2023. **Statutes amended: RSA 153:1; 155-A:1; 155-A:2; 155-A:3; 155-A:3-a; 155-A:3-b; 155-A:10. E.D. July 1, 2022.**

VII. Labor Law & First Responders

Workers' Compensation Covers Prophylactic Treatment for Critical Exposure. [Chapter 15](#) (HB 589) redefines the term "critical exposure" and changes the determination of testing and treatment for critical exposure to be determined by the medical provider taking into account the physical examination and incident details. The term "critical exposure" is now defined as "contact of an employee's ruptured or broken skin or mucous membranes, including the eyes or mouth, with a person's blood or body fluids." **Statutes amended: RSA 281-A:2, I-e; RSA 281-A:23, VI-a. E.D. May 11, 2022.**

Oversight of Claremont Police Commission Changed. [Chapter 22](#) (HB 1029) changes the provision related to the removal of Claremont Police Commissioners to fall under the city council rather than the city manager. **Statute amended: None. E.D. April 18, 2022.**

Non-Participation in State Vaccine Registry Protected from Discrimination. [Chapter 74](#) (HB 1488) protects those who elect not to participate in the state vaccine registry from discrimination by health care providers including primary care physicians, nurses, other appropriate health care providers as determined by the commissioner of the New Hampshire Department of Health and Human Services, schools, childcare agencies, and government health agencies or researchers demonstrating a legitimate need for such information as determined by the commissioner. **Statute amended: RSA 141-C:20-f, X. E.D. July 19, 2022.**

State Death Benefit for a Municipal Public Works Employee Killed in the Line of Duty. [Chapter 102](#) (HB 536) expands a state funded death benefit to include public works employees in addition to police officers, firefighters, emergency medical technicians. A \$100,000 line-of-duty state funded death benefit will now be afforded to a municipal public works or highway employee killed in the line of duty. The law further defines “public works employee” to be “any municipal or state public works or highway employee who has the responsibility to work in hazardous locations, or as a first responder, or in conjunction with emergency first responders in construction zones, highway traffic areas, and other locations where the public works or highway employee is exposed to risk of injury or fatality from construction hazards, highway traffic volume and speed, nighttime responses, environmental issues, weather, or other hazardous conditions.” Additionally, the law removes the workers compensation offset to a death benefit paid to a surviving member. **Statutes amended: RSA 21-I:29-a; 100-A:8, III and IV. E.D. July 1, 2022.**

“First Responder” Defined. [Chapter 166](#) (SB 325) defines the term “first responder” and includes first responders in the state-local framework for emergency management and homeland security. The term “first responder” means “state, county, and local governmental and nongovernmental emergency public safety fire, law enforcement, public safety telecommunications or dispatcher, emergency response, emergency medical services providers including hospital emergency facilities, emergency management, public health, clinical care, public works, and other skilled support personnel, such as equipment operators, that provide immediate support services necessary to perform emergency management functions.” Local organizations for emergency management are now statutorily authorized to direct first responders. **Statute amended: RSA 21-P:35. E.D. August 6, 2022.**

Youth Employment Law Changed. [Chapter 221](#) (SB 345) repeals the statute relative to night work by youths and allows 16 and 17-year-olds who are enrolled in school while school is in session to work no more than 35 hours per week. Prior law further restricted when and how long 16 and 17-year-olds could work during school weeks. Additionally, youths of 14 may be employed in some restaurant capacities. Prior law restricted that employment to youths of 15 and older. **Statutes amended: RSA 179:23, II; 276-A:4, VI; 276-A:13; 276-A:14. E.D. June 17, 2022.**

First Responders to Obtain Mental Health Training. [Chapter 331](#) (SB 357), among other provisions, requires that police officers and dispatchers satisfactorily complete mental health training focusing on post-traumatic stress from a program developed and delivered by the New Hampshire police standards and training council prior to certification and, annually thereafter, complete an online training program. The same training requirements apply to fire service personnel, fire service dispatcher and emergency medical services personnel, with development and delivery of the program to take place by the division of fire standards and training and emergency medical services. Additionally, mental health training focusing on post-traumatic stress disorder shall be made available annually to all fire service or emergency medical services personnel after their retirement. **Statute amended: RSA 21-P:12-g; 106-L:7-a. E.D. September 6, 2022.**

VIII. Public Health & Food

Dogs Permitted in Outdoor Areas of Restaurants. [Chapter 3](#) (SB 17) allows restaurant owners to allow (non-service animals) dogs in any outdoor dining area at his or her restaurant under certain conditions. The restaurant must prepare all food and store all utensils in the interior of the restaurant and display a sign advising that dogs are allowed on the premises. Dogs must be kept on the ground and in control of his/her owner and may not threaten persons or other dogs. Further, dogs are not allowed in food preparation or production areas, and areas where dogs are present must be cleaned if soiled. A municipality may, by ordinance or regulation adopted under RSA 47:17 or RSA 147:1, prohibit dogs in outdoor dining areas of restaurants, regardless of whether the municipality is responsible for licensing food service establishments. **Statute amended: RSA 466:44, II. E.D. April 24, 2022.**

Diabetes Included in Conditions for Eligibility for Service Animal. [Chapter 26](#) (HB 1327) adds diabetes to the conditions listed for eligibility for a service animal. This expands the number of individuals with service animals qualifying for accommodation under state statute. **Statute amended: RSA 167-D:2, I. E.D. June 17, 2022.**

Homestead Food Operations Now Have \$35,000 Limit. [Chapter 133](#) (HB 314) increases the homestead food operation exception to those operations selling less than a maximum annual gross sales of \$35,000 from the existing limit of \$20,000. **Statute amended: RSA 143-A:5, VII; 143-A:12, II-III. E.D. August 6, 2022.**

Provisions of Samples & Cocktails by Liquor Manufacturers. [Chapter 145](#) (SB 212) allows in-state liquor manufacturers to transport and sell up to 830 9-liter cases of its products in a calendar year at a farmers market and offer food and nonalcoholic beverages on its premises. If the manufacturer offers food on premises, it may offer samples, including up to two cocktails per person. Existing law provided that only liquor manufacturers that produced fewer than 10,000 bottles during their licensing year may vend at a farmers market and did not provide for the onsite provision of food or cocktails. **Statute amended: RSA 178:6, IV. E.D. July 1, 2022.**

Companion Animals Allowed to Shelter Near Owners. [Chapter 300](#) (HB 1186) requires that any hotel or community shelter that shelters evacuated persons during a state of emergency allow disaster animal response trailers or other reasonable accommodations on site to accommodate companion animals belonging to evacuated persons. **Statute amended: 126-A:98. E.D. August 30, 2022.**

COVID-19 Testing Requirements Prohibited. [Chapter 305](#) (HB 1455) prohibits municipalities from enforcing or collaborating with the enforcement of any federal law, order, or rule that requires an individual, as a condition of employment or any other activity, to provide proof of vaccination against COVID-19 or any of its variants or to submit more than once per month to testing for COVID-19 or its variants. **Statute amended: RSA chapter 275-I. E.D. July 1, 2022.**

IX. Roads

Personal Delivery Devices and Mobile Carriers Allowed on Sidewalks, Crosswalks, and Some Roads. [Chapter 13](#) (HB 116) defines and allows personal delivery devices and mobile carriers to operate on sidewalks and crosswalks in the same manner as pedestrians. Additionally, personal delivery devices, which are designed to transport goods and cargo and identified by a unique identifying number and name and contact information of the operator, may, under certain circumstances operate on a roadway. Mobile

carriers, in contrast, are designed as those devices intended primarily for transporting property while remaining within 25 feet of the operator. **Statutes amended: RSA 259:56-a; RSA 265:163. E.D. June 10, 2022.**

Prohibition Against OHRV Travel on Hoit Road Marsh Repealed. [Chapter 30](#) (HB 571) repeals the statutory prohibition on OHRV travel on Hoit Road Marsh in the City of Concord. **Statute amended: RSA 215-A:15. E.D. July 2, 2022.**

OHRV Use of Municipal Roadways Altered. [Chapter 294](#) (HB 1109) adds new language to the OHRV operation on sidewalks and municipal roads statute to provide that if an abutter can show damage or deterioration to such a road that limits their ability to access their property resulting from recreational use, the governing body of the city or town may adopt regulations to close or limit the operation or use of a way in order to mitigate damage or deterioration. Prior law only addressed the issue of when and how sidewalks and roads may be opened and closed to OHRV use. **Statute amended: RSA 215-A:6, IX. E.D. August 30, 2022.**

OHRV Regulations to Be Studied. [Chapter 301](#) (HB 1188) establishes a commission to study OHRV use and statutes in the state, including existing regulatory frameworks and effects of OHRV use on municipal roads. **Statute amended: 215-A:44-a. E.D. July 1, 2022.**

X. Retirement

Service Credit for Certain Group II New Hampshire Retirement System (NHRS) Eligibility. [Chapter 171](#) (SB 363) will allow Group II New Hampshire Retirement System members (police and fire) who commenced service between January 1, 2001, and December 31, 2011, to be entitled to purchase credit for one to four years of non-qualified service time, under certain conditions to reduce the minimum age and service requirements that were changed in 2021. **Statute amended: RSA 100-A:4. E.D. August 6, 2022.**

Average Final Compensation Under the New Hampshire Retirement System (NHRS). [Chapter 184](#) (HB 1587) modifies the calculation of compensation paid in excess of the full base rate of compensation under the definition of average final compensation in the retirement system for Group II persons hired before July 1, 2011, who did not vest before January 1, 2012. The law also requires the state to make an estimated appropriation of \$43 million from surplus to fund the full cost of the change. **Statute amended: RSA 100-A:1, XVIII. E.D. August 14, 2022.**

Employer Penalty for Noncompliance with New Hampshire Retirement System (NHRS) Reporting Requirements. [Chapter 191](#) (HB 1318) establishes a penalty for noncompliance for municipal employers who do not submit the information necessary to calculate and finalize member benefits and ensure calculations are correct upon filing a retirement application. A \$200 daily penalty for noncompliance can be assessed for delayed reporting. NHRS would be required to send a 30-day notice prior to assessing a penalty to any employer who misses the deadline. **Statute amended: RSA 100-A:16. E.D. August 16, 2022.**

Cost of Living Allowance for New Hampshire Retirement System (NHRS) Retirees. [Chapter 203](#) (HB 1535) grants a one-time, state funded, \$500 payment to retirees and beneficiaries retired prior to or on July 1, 2017, who have an annual pension benefit of \$30,000 or less. **Statute amended: None. E.D. July 1, 2002.**

XI. State Aid

Funding Eligible Wastewater Projects. [Chapter 19 \(HB 398\)](#) appropriates \$5.7 million for fiscal year 2023 and \$6.9 million for fiscal year 2024 to fund the [11 forgotten, eligible wastewater projects](#) not funded in the current biennium, plus [110 new projects](#) that are expected to be eligible for grant funding in fiscal years 2023 and 2024 under RSA 486. **Statute amended: None. E.D. July 1, 2022.**

State Contribution to New Hampshire Retirement System (NHRS) Employer Contribution Costs. [Chapter 189 \(HB 1221\)](#) reduces the rate of the business profits tax from 7.6 percent to 7.5 percent and provides a one-time payment by the state of 7.5 percent (estimated \$26.5 million) of the employer contribution costs for teachers, police, and firefighters in fiscal year 2023 from state surplus. [Please see the attached supplemental summary for a detailed summary of this change.](#) **Statute amended: None. E.D. July 1, 2022.**

Extraordinary Need Grant for Schools. [Chapter 318 \(SB 420\)](#) establishes an extraordinary need grant for schools in addition to regular adequate education grants and relief grants. The extraordinary need grants are calculated based on a district's total property values divided by the number of students eligible for free and reduced priced lunch. **Statute Amended: RSA 198:40-f. E.D. July 1, 2022.**

Additional Road and Bridge State Aid to Municipalities. [Chapter 338 \(SB 401\)](#) provides additional one-time infrastructure funding to municipalities using state general fund surplus generated in fiscal year 2022. This law appropriates \$36 million for the repair and maintenance of municipally-owned bridges, \$30 million in additional municipal highway block grants, and \$1 million toward the body worn and dashboard camera fund. [Please see the attached supplemental summary for a detailed summary of this change.](#) **Statute Amended: None. E.D. July 25, 2022.**

XII. Taxation

Expanded Eligibility of Veterans Qualified to Receive Tax Credits. [Chapter 121 \(HB 1667\)](#) creates a new definition of veteran for standard, optional and all veterans' for tax credit purposes. The law expands the definition of a veteran to "anyone who has served in the armed forces and continues to serve" and includes state active duty as a qualifying service towards the 90-day requirement under the all veteran tax credit. Municipalities are required to use the new definition for the standard veterans' credit currently set at \$50. For optional and/or all veterans tax credits, the provisions of this law do not apply unless a municipality readopts the local option by a vote of the legislative body. **Statute amended: RSA 72:28, IV; 72:28-b, IV. E.D. July 26, 2022.**

Errors in Assessment Appraisals May Be Corrected. [Chapter 163 \(SB 312\)](#) reverses the decision in *Merrimack Premium Outlets v. Town of Merrimack*, No. 2020-0358 (N.H. Oct. 1, 2021) which determined that merely obtaining additional information about the property did not constitute a change that would justify adjusting a property's valuation under RSA 75:8. By reversing that decision, this law allows assessors and select boards to correct any errors in existing appraisals. **Statute amended: RSA 75:8, I. E.D. August 6, 2022.**

Reduction of Interest Rate for Abatement of Paid Taxes. [Chapter 164 \(SB 317\)](#) reduces the interest rate applied to the amount of paid property taxes abated by a municipality to four percent from six percent per annum. **Statute amended: RSA 76:17-a. E.D. April 1, 2022.**

XIII. Technology & Communications

Bond Approvals for Broadband Infrastructure Funding. [Chapter 183](#) (SB 273) permits a municipality or a communications district formed under RSA chapter 53-G to approve a broadband bond at a special town meeting without court approval. **Statute amended: RSA 31:5, I(a). E.D. June 15, 2022.**

Reporting of Cybersecurity Incidents Required. [Chapter 190](#) (HB 1277) defines the term “cybersecurity incident” and requires political subdivisions to report such incidents within their information systems to the New Hampshire Cyber Integration Center of the Department of Information Technology. “Cybersecurity incident” means an occurrence that actually or potentially jeopardizes the confidentiality, integrity, or availability of an information system or the information processes, stores, or transmits, if that constitutes a violation or imminent threat of violation of security policies, security procedures, or acceptable use policies. **Statute amended: RSA 31:103-b. E.D. August 16, 2022.**

Wireless Development Initiative and the Wireless Deployment Grant Fund. [Chapter 231](#) (SB 395) establishes a new fund allowing municipalities and cell phone service providers to apply for broadband matching grant funds to upgrade local cell phone service in underserved areas. **Statute amended: RSA 12-O. E.D. August 16, 2022.**

Broadband Matching Grant Initiative. [Chapter 280](#) (SB 445) will fund \$122 million in broadband matching grants using American Rescue Plan Act funds dedicated through the federal Capital Projects Fund. The law allows any broadband provider, municipality, or communications district to apply for a grant of up to 75 percent of the total eligible costs of the project. **Statute amended: RSA 12-O:61, III; 12-O:62, II(b). E.D. June 24, 2022.**

XIV. Town Clerks

Registration Plates for Antique Farm Tractors Required. [Chapter 27](#) (HB 1437) adds to the list of motor vehicles qualifying for antique plates a “farm tractor” over 25 years old which is maintained for use in exhibitions, club activities, parades, and other functions of public interest, but not for use in commerce and not intended for daily use. The law further provides that the municipality shall establish the fee, up to a maximum of \$5, for the registration of the antique farm tractor. Child restraints and new tail lamps are not required to be installed on antique tractors. **Statutes amended: RSA 259:4; 261:89-a; 261:153, VI(b); 265:107-a, II; 266:33. E.D. June 17, 2022.**

Marriage License Procedure Changed. [Chapter 295](#) (HB 1130) changes the process to obtain marriage licenses to require the municipal clerk to accommodate the parties to be married if either party is unable to appear in person for medical reason by meeting with the parties at such location within the municipality as may be convenient. Prior law required the parties to appear in person at the municipal clerk’s office. **Statute amended: RSA 5-C:42. E.D. January 1, 2023.**

XV. Waterways

Houseboats Prohibited on Perkins Pond. [Chapter 108](#) (HB 1220) prohibits house boats on Perkins Pond in Sunapee. **Statute amended: RSA 270:77. E.D. January 1, 2023.**

Operation of Personal Watercraft Barred in Hampton Falls to Hampton Harbor. [Chapter 162](#) (SB 305) prohibits the operation of personal watercraft at more than headway speed within 300 feet of any marsh land or flat in the Hampton/Seabrook estuary, within 300 feet of the Rye marsh areas to include Witch Creek, Seavey Creek, Berry’s Brook, Parson’s Creek, Awcomin Marsh, and Rye Harbor Marsh, or within the New Castle Goat Island Back Channel Mooring Field as defined in rules adopted by the Pease Development Authority PDA 500, or that area marked between Shapleigh Island and Goat Island to Red Nun #4 to the Wentworth Bridge, to include the areas around Pest, Leaches, and Clampit Islands, without regard to tide height, or the landing in Hampton Falls to Hampton. Watercraft operated by police, fire, and other emergency services are exempted from these regulations. **Statute amended: RSA 270:74-c, II. E.D. June 7, 2022.**

Funding of Winnepesaukee River Basin Control Replacement Fund Modified. [Chapter 193](#) (HB 1339) requires that 50 percent any expenditure from the fund be replenished by contributions from those members that utilize the facilities receiving funding based on each member’s proportional usages of said facilities, and 50 percent of the expenditure shall be shared among all members in proportion to its total usage of the facilities. Reimbursement shall occur over a 10-year period. Prior law neither specified the repayment term nor required repayment to be shared among all members. **Statute amended: RSA 485-A:51. E.D. August 16, 2022.**

NHMA Website Information for Members	
Legislative Bulletin Archives	https://www.nhmunicipal.org/legislative-bulletins
NewsLink	https://www.nhmunicipal.org/newslink
Upcoming Events	https://www.nhmunicipal.org/events-training