

LEGISLATIVE BULLETIN

House and Senate to Convene

Happy New Year!

This Legislative Bulletin provides some more information on bills that have been introduced for the New Hampshire General Court’s 2022 session, including a continued listing of all the bills we have identified so far that could affect local government. (See our [December 16 Legislative Bulletin](#) for the beginning of the list.) Once the legislature begins holding hearings, there will be little time to get organized, so please start checking out the legislation, contacting your representatives and senators, and contacting NHMA with any questions.

As mentioned in the December 16 Bulletin, the House and Senate will convene (separately) on Wednesday, January 5, to begin the 2022 legislative session. On that day (and continuing on January 6 in the House), they will take action on bills from 2021 that were retained (in the House) or re-referred (in the Senate). The December 16 Bulletin also contains a description of the retained/re-referred bill process.

January 5: Dangerous Gun Bill Goes to Senate

One of the worst bills still alive from last year is [HB 307](#), the bill that, as passed by the House, would prohibit municipalities from regulating the discharge of firearms on any town-owned property, leaving cities and towns powerless to prevent gunfire or to prevent lead contamination of their groundwater. After the House passed the bill last April, the Senate wisely re-referred it to the Senate Judiciary Committee, where it sat until this fall.

The Judiciary Committee has now recommended the bill with an important [amendment](#). The amendment deletes the word “use” from the bill’s prohibitions, so municipalities would be prohibited from regulating the [possession](#) of firearms on town property (which is already the law), but could still prohibit the [use](#) of firearms on town property. This avoids the catastrophic scenario that the House version would create.

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Although this is a huge improvement, it still leaves a serious problem with the bill. The committee amendment leaves intact provisions of the House version that are intended to punish local officials who make the mistake, however innocently, of trying to enact an ordinance regulating possession of firearms on town property.

Those provisions would, among other things, subject a municipality to fines, liquidated damages of \$10,000, and attorney fees for even an innocent violation of the statute. It would be “*no defense* that in enacting the ordinance, regulation, or rule, the [municipality] was acting in good faith or upon the advice of counsel.” A “knowing” violation of the statute would subject a municipal official to “termination of employment or contract or removal from office *by the governor*”—apparently on the governor’s own initiative and with no judicial process. This penalty does not exist for any other offense, including the most serious felonies, and it is patently unconstitutional.

Municipal officials, of course, are mostly volunteers who are not legal experts—and even legal experts often disagree about the meaning of a statute or the extent of local authority. Resolving the ambiguity is the job of the courts, and it is inevitable that municipalities will occasionally be determined to have exceeded their authority. The remedy when this happens is simply that the ordinance is unenforceable. No one is fined or removed from office. The precedent this bill would set, of punishing local officials for perceived errors in performing their legislative functions, is alarming—just as a law that penalizes state legislators for passing an unconstitutional bill would be alarming.

The bill as passed by the House demonstrates a level of hostility toward local government that we have never seen before. Local governments are not the enemy of state government and should not be treated that way. The Senate Judiciary Committee’s amendment is a step in the right direction, but we believe the Senate needs to take another step by—at least—removing the offensive penalty provisions from the bill.

The Senate will vote on the Judiciary Committee’s recommendation on Wednesday, January 5. We have asked senators to offer a floor amendment that would remove the penalty provisions from **HB 307**, but ideally they will just kill the bill. Please ask your senator to vote to kill **HB 307** or, at the very least, to support an amendment that removes the penalty provisions.

Election Bills Take Center Stage

It’s an election year, and with that come a number of bills related to how New Hampshire runs elections. We covered [HB 1064](#), requiring, among other things, hand counts in all elections, in [Bulletin #1](#), one of the worst bills that we’ve seen this legislative session, but it’s not the only one. While there are a number of troubling bills, we’ll highlight three in particular –

- [HB 1359](#) prohibits any election official, other than the clerk, from performing any election duties on election day when the official appears on the ballot for any position, and requires such officials to remain outside the polling place except when voting. In practice, if enacted, this bill means that municipalities will find that many of their duly elected election officials will be sitting out many of their elections. In the case of the moderator, for example, the office’s two-year term means that the elected moderator will only be eligible to preside over town elections half of the time. (And if the town moderator also serves as the school district moderator, as is the case in many towns, it is possible that the moderator could be disqualified from presiding at *every* town election, depending on whether the school district moderator’s term is for one, two, or three years.)

- **HB 1485** creates a procedure for the direct recall of any local elected official serving a 3-year term. Although the bill limits when recall petitions may be filed and the purposes for which they may be filed, some limitations are vague and will require litigation to settle in each individual case, and the additional expense of holding a recall election will strain already tight municipal budgets.
- **HB 1567** allows any registered voter to bring suit in superior court against any municipal election official for failure to perform his or her election duties. If the voter prevails, the official will be removed from office and the municipality must pay the voter’s attorney’s fees and court costs. Nothing in the bill serves as a check against vexatious litigation, including suits by a voter alleging incorrect counting of ballots if his/her preferred candidate does not win.

Certainly, there are a number of other election-related bills that we are keeping an eye on this legislative session, but these four appear to be the most troubling. ***Please contact your legislators – particularly if they serve on the [House Election Law Committee](#) – and ask them to vote to recommend these four bills “Inexpedient to Legislate.”***

Optimizing Broadband Bonding Approvals

On **Tuesday, January 11, at 1:00 p.m., in LOB Room 103**, the Senate Finance Committee will hear testimony on **SB 273**. This bill would allow towns that have formed a communications district under RSA chapter 53-G to approve a bond at a special town meeting. Currently, towns can’t appropriate money, including approving bonds, except at an annual meeting— unless at least half the town’s voters show up, *or* unless the selectmen have petitioned the superior court on the basis of an “emergency” existing. As neither exception is likely to work in the case of broadband bonding, this change is needed to help municipalities take advantage of the various federal and state funds already available for broadband.

Improving broadband access, reliability, and speed is a top priority for many municipalities in New Hampshire, and **SB 273** would allow them to move more quickly than current law allows. With various federal and state funds already available for broadband—and potentially more on the way—municipalities are considering the best approaches for investing in and improving broadband, including working together with their municipal neighbors to form a communications district. This legislation would allow them to move quickly on these projects without being required to wait until their next annual town meeting to present a proposed broadband bond to the voters.

Municipal officials interested in this legislation should contact members of the [Senate Finance Committee](#) to express their support for **SB 273**, or consider testifying at the hearing.

Bill Would Repeal “Freedom from Discrimination” Law

On **January 12 at 1:45 p.m. in State House Room 100**, the Senate Judiciary Committee will hear testimony on **SB 304**, a bill that would repeal and replace the “Right to Freedom from Discrimination in Public Workplaces and Education” law that was included in HB 2 last session. (A separate bill, **HB 1576**, would simply repeal the law without replacing it. That bill has not yet been scheduled for a hearing.)

As last year’s readers will [recall](#), the “Right to Freedom from Discrimination in Public Workplaces and Education” law began as HB 544, the so-called “divisive concepts” bill. A broad coalition, including NHMA,

opposed HB 544. NHMA opposed it for a simple reason: Local leaders are uniquely situated to appreciate the concerns and needs of their communities and should have the authority to decide how to address and talk about these issues at the local level.

Although HB 544 was tabled, a watered-down version of the controversial language was placed in HB 2 and eventually became law without the public ever having an opportunity to weigh in on the meaning of the language.

After the passage of HB 2, NHMA began hearing from local officials who were seriously concerned that their efforts to improve discourse and training on topics related to diversity and equity for their employees, local officials, and the public could result in lawsuits. We were proud to hear about the work of some of our cities and towns—including forming local commissions and holding public listening sessions—and disturbed to hear that these efforts were put in doubt when the new law became effective, largely because the language in the law is ambiguous and likely to lead to inconsistent application or interpretations. That inconsistency could result in frivolous lawsuits against local governments.

SB 304 repeals that law and replaces it with language stating that no public employer is prohibited from engaging in or requiring training concerning “the historical or current experience of any group that is protected from discrimination” under the state’s human rights law. We encourage local officials who are concerned about the consequences of last year’s legislation to contact members of the committee before January 12 or to attend the hearing to testify in support of **SB 304**.

Hearings Scheduled/Remote Sign-In Process

As some of the articles in this Bulletin indicate, the Senate has already scheduled some committee hearings, which will begin on **Monday, January 10**. The calendar for bills NHMA is following appears later in this Bulletin. As of this writing, the most recent House calendar does not list any House committee hearings, but we anticipate that they will be listed in this week’s calendar, and will likely begin on January 10 as well. Check next week’s Legislative Bulletin (or this week’s House calendar, when it is published—you can find a link on the [General Court website](#)) for hearings on bills of interest.

It is our understanding that all House and Senate committee hearings in 2022 will be held in person, although House committee hearings, at least, will also be live streamed so people can watch remotely. (We have not heard whether Senate hearings will be live streamed.) You can also sign in remotely to register your position for or against a bill, but ***no remote testimony will be permitted. If you want to testify at a hearing, you will need to attend in person.***

Instructions and remote sign-in forms are available on the [General Court website](#) under “Links to Meeting Schedules.” You can sign in now, or anytime before the day of the hearing, for any of the Senate hearings the week of January 10. Once House committee hearings are scheduled, you should be able to sign in for those as well. If you have any questions, please contact NHMA’s Government Affairs staff.

Retirement Bills--Local Tax Relief or More Budget Burdens?

A wide variety of changes to the New Hampshire Retirement System are being proposed in ten bills introduced this session. The most promising, [HB 1417](#), “The Property Tax Relief Act of 2022,” is an **NHMA policy bill** that proposes to restore a portion of the state contribution to the employer’s share for

teachers, police, and firefighters beginning July 1, 2023. As proposed, it would establish a 7.5 percent state contribution. This bill should sound familiar, as some version of this legislation is introduced, but defeated, almost every year.

Although a 7.5 percent contribution, estimated to be \$27.7 million in fiscal year 2023, would restore far less than the state's original 35 percent share (estimated to be \$129 million), this bill would provide significant and much-needed relief to municipalities and help offset the major employer rate increase that became effective July 1. Just as the elimination of the state contribution increased property taxes, restoration of a portion of that state contribution will provide some level of property tax relief across the state.

HB 1079 increases the part-time employment thresholds of New Hampshire Retirement System (NHRS) retirees. This bill would increase the current limitation of 26 hours per week that an NHRS retiree can work for an NHRS participating employer to an average of 32 hours per week (a total of 1,664 hours per year). The bill also removes the 28-day waiting period from the effective date of retirement before an NHRS retiree can work in a part-time capacity for the same or another NHRS employer. NHMA supports these changes particularly for smaller municipalities that rely on experienced NHRS retirees to fill part-time positions.

One of the most troubling bills, **HB 1590**, would allow employer disaffiliation from the New Hampshire Retirement System for new municipal employees by a vote of the legislative body. While current law allows a municipality to withdraw, the law also requires the withdrawing municipality to pay its share of the unfunded liability. As written, **HB 1590** would burden municipalities that remain in the system with the withdrawing municipality's share of the unfunded accrued liability. The cost-sharing contribution rates assume that current and future employees will continue with the plan, creating an unknown future fiscal impact for municipalities that remain in NHRS if this legislation were adopted. Even more concerning, based on the shifting burden to the remaining towns, many if not all towns could choose to withdraw municipal employees from the system altogether. This bill does not address how the plan would be funded in such a scenario, and it clearly undermines the future solvency of the retirement system. NHMA will oppose this bill.

HB 1535 would provide a 1.5 percent cost-of-living adjustment (COLA) to all New Hampshire Retirement System (NHRS) retirees who have been retired at least 5 years by July 1, 2023, on the first \$30,000 of a retired member's annual allowance. When the last COLA passed in 2019, NHMA testified in opposition because funding the COLA increased the existing \$5 billion NHRS unfunded liability by \$78 million in fiscal year 2022, and municipalities are seeing effects of the 19.6 percent aggregate increase on their municipal budgets today.

With the additional COLA costs embedded in the adjusted employer contribution rates that took effect on July 1 of this year, NHMA maintains its position that the estimated impact of \$135 million in fiscal year 2024, \$139 million in 2025, and \$142 million in 2026 would lead to significant local tax increases.

We urge our members to consider the impact that retirement costs have on municipal, school, and county budgets—and ultimately on the property taxpayers who fund those budgets. ***Please contact your representatives and advocate for the state to restore its promise of a contribution to the retirement system.*** It is imperative that we shift the way we are currently financing mandated increases in retirement costs to state dollars rather than local tax dollars.

Bill Would Clarify Housing Appeals Board Jurisdiction

Over the summer, the Housing Appeals Board (HAB) issued a decision in *William Evans, Trustee v. Town of Pembroke* that caused some consternation. In short, the HAB, which was created to deal with questions of housing and housing development, found that it had jurisdiction to hear an appeal over a select board's decision whether to reclassify a class VI road as a class V road.

Understandably, a bill, **HB 1307**, has been filed to clarify the HAB's jurisdiction. **HB 1307** eliminates the broad language contained in RSA 679:5, the HAB's jurisdictional statute, in favor of language that specifies that the appeals must come from final decisions of municipal land use boards "on applications for the development of housing." We are hopeful that **HB 1307** will serve as a vehicle to ensure that the HAB is narrowly targeted toward housing-related appeals, rather than broad appeals from any land use decision made by a municipal board.

Please contact your legislators and ask them to support HB 1307.

Remote Meetings

Over the past several weeks, many municipalities have asked us about the status of remote board meetings. Here is a summary.

As written, RSA 91-A:2 requires a quorum of a public body to be physically present at the location specified in the meeting notice, except in an "emergency." An "emergency" is defined as "immediate action is imperative and the physical presence of a quorum is not reasonably practical within the period of time requiring action." An "emergency" is determined by the chair or presiding officer.

As readers may recall, in March 2020, Governor Sununu declared a state of emergency. This declaration allowed him to issue emergency orders, including one that relaxed both the quorum and physical location requirements of RSA 91-A:2. At the expiration of that state of emergency in June 2021, the relaxation of those requirements ceased, and the law-as-written was back in effect.

Although there were several bills last year pertaining to remote meetings, including one, **SB 95**, that passed the Senate unanimously, the House refused to pass any changes to RSA 91-A:2 related to remote meetings. This year, there are three remote meeting bills – **HB 1014**, **SB 322**, and **SB 344**. Although we are hopeful that a compromise will be reached this year, *please speak to your legislators – particularly your House members – about the importance of providing municipalities greater flexibility when it comes to public meetings.*

Get Involved in NHMA's Legislative Policy Process

NHMA's biennial legislative policy process is getting underway. As a first step, we are recruiting volunteers to serve on our three legislative policy committees. These committees will review legislative policy proposals submitted by local officials and make recommendations on those policies, which will go to the NHMA Legislative Policy Conference in September.

If you are a local official in an NHMA member municipality and are interested in serving on one of the policy committees, please contact the Government Affairs staff at 603-224-7447 or governmentaffairs@nhmunicipal.org.

Each of the committees deals with a different set of municipal issues. The committees and their subject areas are as follows:

- Finance and Revenue – budgeting, revenue, tax exemptions, current use, assessing, tax collection, retirement issues, education funding.
- General Administration and Governance – elections, Right-to-Know Law, labor, town meeting, charters, welfare, public safety.
- Infrastructure, Development, and Land Use – solid/hazardous waste, transportation, land use, technology, environmental regulation, housing, utilities, code enforcement, economic development.

When you contact us, please indicate your first and second choices for a committee assignment. We will do our best to accommodate everyone’s first choice, but we do need to achieve approximately equal membership among the committees. We hope to have 15-20 members on each committee.

There will be an organizational meeting for all committees on **Friday, April 1**. After that, each committee will meet separately as many times as necessary to review the policy proposals assigned to it—typically three to five meetings, all held on either a Monday or Friday, between early April and the end of May.

SENATE CALENDAR

MONDAY, JANUARY 10, 2022

ELECTION LAW AND MUNICIPAL AFFAIRS, Representatives’ Hall, SH

- 1:00 p.m. **SB 240**, apportioning state senate districts.
- 1:00 p.m. **SB 241**, apportioning executive council districts.
- 1:00 p.m. **SB 253**, apportioning state senate districts.
- 1:00 p.m. **SB 254**, apportioning executive council districts.

TUESDAY, JANUARY 11, 2022

ENERGY AND NATURAL RESOURCES, Room 103, SH

- 9:00 a.m. **SB 259**, relative to the definition of “municipal host” for purposes of limited electrical energy producers.
- 9:15 a.m. **SB 370-FN**, allowing the university system and community college system to be municipal host electric customer generators.
- 9:45 a.m. **SB 267-FN-A**, establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food.

FINANCE, Room 103, SH

- 1:00 p.m. **SB 273-A**, relative to broadband infrastructure funding.
- 1:10 p.m. **SB 275**, relative to the opioid abatement trust fund.

JUDICIARY, Room 100, SH

- 1:30 p.m. **SB 302-FN**, establishing the personal privacy protection act.
- 2:00 p.m. **SB 377-FN**, relative to the diagnosis of post-traumatic stress disorder in state troopers.

WEDNESDAY, JANUARY 12, 2022

ELECTION LAW AND MUNICIPAL AFFAIRS, Room 103, SH

- 1:00 p.m. **SB 200**, relative to the election of district commissioners in Haverhill.
1:20 p.m. **SB 242**, relative to the disqualification of certain persons from performing the duties of an election official.
1:40 p.m. **SB 328**, relative to the date of the state primary election.
2:00 p.m. **SB 364**, relative to the use of electronic poll books.
2:20 p.m. **SB 366-FN**, requiring an audit of ballots cast in the 2022 primary and general election.

EXECUTIVE DEPARTMENTS AND ADMINISTRATION, Room 103, SH

- 9:00 a.m. **SB 223**, relative to requirements for recovery houses.
9:50 a.m. **SB 363-FN**, relative to service credit for certain group II retirement eligibility.

JUDICIARY, Room 100, SH

- 1:30 p.m. **SB 301-FN-L**, relative to the procedure for violations under the right to know law.
1:45 p.m. **SB 304**, relative to discrimination in public workplaces and education.

THURSDAY, JANUARY 13, 2022

COMMERCE, Room 100, SH

- 1:30 p.m. **SB 209**, relative to electronic wage payments.

New House Bills

HB 1508-FN prohibits an employer from discharging or disciplining an employee who is a volunteer firefighter or emergency medical technician and whose failure to report for work was due to such employee responding to an emergency. Rep. Deshaies of Wolfeboro; **LABOR**.

HB 1514-FN requires an employer to pay an employee for unused earned time. Rep. Cahill of Newmarket; **LABOR**.

HB 1519-FN defines “religious belief” and protects it from discrimination. Rep. Foster of New Boston; **JUD-H**.

HB 1522-FN requires that elections be conducted using ballots with embedded security and specifies the chain of custody for ballots during and after an election. Rep. Abrami of Stratham; **EL**.

HB 1527-FN requires local election officials to photograph or scan the receipts of total vote counts produced by electronic ballot counting devices and requires the secretary of state to publish such photographs or scans on its website. Rep. Yakubovich of Hooksett; **EL**.

HB 1529-FN requires trustees of public libraries to require a background investigation and criminal history records check on any candidate for librarian or other employment, including candidates for volunteer service. Rep. Love of Derry; **LABOR**.

HB 1535-FN establishes an initial cost of living adjustment in 2022, and subsequent increases subject to the prior approval of the board of trustees, to be paid by the New Hampshire Retirement System on the first \$30,000 of a retired member’s or beneficiary’s allowance. Rep. Merner of Lancaster; **ED&A-H**.

HB 1538-FN-L requires certain workers employed in the construction of public works in the state of New Hampshire to be paid the prevailing minimum hourly wage and benefits. Rep. Abramson of Seabrook; **LABOR**.

HB 1540-FN requires the recording of custodial interrogations. Rep. Welch of Kingston; **CJ&PS**.

HB 1542-FN provides that a voter who does not show a photo ID may vote only by provisional ballot, which will be counted after the voter returns and presents an ID. Rep. Abramson of Seabrook; **EL**.

HB 1543-FN modifies the voter registration forms and establishes a provisional ballot system. Rep. G. Sanborn of Rumney; **EL**.

HB 1544 requires the department of environmental services to adopt rules prohibiting the placement of construction and demolition debris in landfills and establishes fines for violations. Rep. McWilliams of Concord; **JUD-H**.

HB 1546-FN limits air emissions of perfluorochemicals and further defines perfluorochemicals. Rep. B. Boyd of Merrimack; **ST&E**.

HB 1547-FN sets maximum contaminant levels for perfluorochemicals in soil and requires the department of environmental services to report to the general court annually on such levels. Rep. Mooney of Merrimack; **E&A**.

HB 1549 allows retired group II police members of the New Hampshire Retirement System to work special duty law enforcement and not have the special duty hours count against the part-time hours limit. Rep. Emerick of Hampton; **ED&A-H**.

HB 1552-FN establishes within the office of professional licensure and certification a board for the certification of assessors. establishes within the office of professional licensure and certification a board for the certification of assessors. Rep. Piemonte of Sandown; **ED&A-H**.

HB 1553-FN prohibits a roadside memorial located within the right of way of any primary or secondary highway and requires the department of transportation to remove any roadside memorial after 90 days from the date of the event being memorialized. Rep. Eaton of Stoddard; **PW**.

HB 1555-FN removes the permit requirement for campfires. Rep. Burt of Goffstown; **RR&D**.

HB 1557 changes the time frame for the grace period to elect to receive a survivor benefit optional retirement allowance under the New Hampshire retirement system. Rep. Goley of Manchester; **ED&A-H**.

HB 1565-FN revises the distribution formula for the opioid abatement trust fund and clarifies the annual reporting process for the fund. Rep. Aron of Acworth; **W&M-H**.

HB 1567-FN provides that a registered voter may remove certain election officials by bringing suit in superior court. Rep. Alliegro of Campton; **EL**.

HB 1569-FN provides that an individual who has not been terminated but has been prohibited from entering his or her place of employment shall be deemed totally unemployed for the purposes of unemployment compensation. Rep. Layon of Derry; **LABOR**.

HB 1570-FN reduces vehicle registration fees. Rep. Ammon of New Boston; **TRANS-H**.

HB 1576-FN repeals provisions of the law relating to the right to freedom from discrimination in public workplaces and education and the prohibition on teaching discrimination. Rep. Espitia of Nashua; **EDUC-H**.

HB 1579 provides for landowner liability involving the use of land for outdoor recreational activities. Rep. Gould of Bedford; **JUD-H**.

HB 1587-FN-A 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 persons hired after July 1, 2011. The actuarial cost of the change is funded from general funds of the current biennium. Rep. Pratt of Raymond; **ED&A-H**.

HB 1590-FN-L allows a political subdivision member of the New Hampshire Retirement System to withdraw from participation for its employees hired after the effective date of the vote without paying its unfunded accrued liability. Rep. Berezny of Grafton; **ED&A-H**.

HB 1591-FN eliminates the enforcement division of the liquor commission. Rep. Leishman of Peterborough; **COM-H**.

HB 1595-FN establishes a statewide food truck license and preempts municipal licensing of food trucks. Rep. Wilhelm of Manchester; **COM-H**.

HB 1596-FN increases the electric generating capacity of customer generators who may participate in net energy metering and modifies the transition of tariffs applicable to certain customer-generators. The bill also clarifies the definition of eligible customer-generator for purposes of the utility property tax. Rep. McWilliams of Concord; **ST&E**.

HB 1598-FN legalizes the possession and use of cannabis for persons 21 years of age and older. Rep. Abbas of Salem; **CJ&PS**.

HB 1600 prohibits the use of body worn cameras by law enforcement during interviews or interrogations if no other means of recording is available in the building. Rep. Infantine of Manchester; **CJ&PS**.

HB 1603-FN provides for the inclusion of certain records of schools and school administrative units under the right-to-know law, RSA 91-A. Rep. Yokela of Fremont; **JUD-H**.

HB 1614 mandates digital video recording of juvenile detention facilities paid for, in whole or in part, with general funds, as well as establishes the system requirements for such digital videos. Rep. Edwards of Auburn; **C&FL**.

HB 1617 provides that the community development finance authority block grant program may be used for affordable housing projects and establishes a committee to prevent state subsidies for housing development that is not income sensitive. Rep. Adjutant of Bridgewater; **M&CG**.

HB 1618-FN adds several perfluorinated chemicals to the list of per and polyfluoroalkyl substances with maximum contaminant levels and establishes a cumulative total for the maximum contaminant level of per and polyfluoroalkyl substances. Rep. B. Boyd of Merrimack; **RR&D**.

HB 1620 identifies the part of the Merrimack River from the Manchester-Hooksett town line to the New Hampshire-Massachusetts state line as a community river. Rep. Berry of Manchester; **RR&D**.

HB 1621-FN eliminates the rebate amount distributed to retail electricity ratepayers and allocates all auction proceeds to support current or future energy efficiency resource standards programs. Rep. Mann of Alstead; **ST&E**.

New Senate Bills

SB 200 allows a village district within the town of Haverhill to elect 5 village district commissioners. Sen. Giuda of Warren; **EL&MA**.

SB 203 provides for increases in the minimum hourly rate. Sen. Soucy of Manchester; **COM-S**.

SB 209 amends the provisions related to payment of an employee's wages by direct deposit. Sen. Carson of Londonderry; **COM-S**.

SB 211 adds an exception to an employee's right to reinstatement to his or her position based on the employer's need to fill the position where a temporary replacement is not available or practical. Sen. D'Allesandro of Manchester; **COM-S**.

SB 223 modifies the requirements for facility bedroom square footage in order for recovery houses to be exempted from certain requirements of the state fire code by the state fire marshal. Sen. D'Allesandro of Manchester; **ED&A-S**.

SB 227-FN includes suicide under the definition of "killed in the line of duty" when considering eligibility for death benefits of first responders. Sen. Birdsell of Hampstead; **ED&A-S**.

SB 239-FN requires notification to the department of revenue administration of a completed municipal or county audit and establishes a fine of \$250 per day for failure to complete a required audit. Sen. Giuda of Warren; **EL&MA**.

SB 240 establishes new state senate districts in accordance with the latest federal decennial census. Sen. Gray of Rochester; **EL&MA**.

SB 241 establishes new executive councilor districts based on the latest federal decennial census. Sen. Gray of Rochester; **EL&MA**.

SB 242 revises the law regarding disqualification of certain persons from performing certain duties of an election official. Sen. Gray of Rochester; **EL&MA**.

SB 244 allows a non-conforming structure to be converted to an accessory dwelling unit, changes the definition of "hardship" for purposes of a variance, and excludes conversion to a condominium form of ownership from the definition of "subdivision." Sen. Cavanaugh of Manchester; **EL&MA**.

SB 245 establishes a committee to study agreements between developers and municipalities on municipal trash removal fees paid by condominium owners and renters. Sen. Sherman of Rye; **EL&MA**.

SB 246 prohibits a municipality from approving plans for a “qualified private community” unless the declarant establishes a capital reserve fund to pay the cost of replacing all roads within the community. Sen. Birdsell of Hampstead; **EL&MA**.

SB 247 authorizes a municipality or county to issue bonds or notes for the financing of broadband infrastructure projects for any location within a municipality. Sen. Ricciardi of Bedford; **EL&MA**.

SB 249 prohibits municipalities from adopting ordinances that ban or regulate short-term rentals. Sen. French of Canterbury; **COM-S**.

SB 250 enables municipalities to adopt a tax credit for qualified private community property owners. Sen. Carson of Londonderry; **EL&MA**.

SB 251 requires members of an advisory board for a tax increment financing district to be owners or occupants of real property within the community. Sen. Birdsell of Hampstead; **EL&MA**.

SB 252 requires property tax bills to include information regarding the amount disbursed from the education trust fund in the prior fiscal year and the amount the municipality’s education grant aid will be reduced under RSA 189:41 as a result of the education freedom account program under RSA 194-F:2. Sen. Soucy of Manchester; **EL&MA**.

SB 253 establishes new state senate districts in accordance with the latest federal decennial census. Sen. Soucy of Manchester; **EL&MA**.

SB 254 establishes new councilor districts based on the latest federal decennial census. Sen. Soucy of Manchester; **EL&MA**.

SB 255 establishes redistricting criteria. Sen. Perkins Kwoka of Portsmouth; **EL&MA**.

SB 257 amends the definition of “water and/or sewer utility” to include sewage disposal systems. Sen. Watters of Dover; **ENR**.

SB 258-FN-L establishes protections and procedures for handling African American graves from the time period of American enslavement, as well as working with the relevant descendants and descendant communities. Sen. Watters of Dover; **ENR**.

SB 259 amends the definition of “political subdivision,” as used in the definition of a “municipal host”. Sen. Avard of Nashua; **ENR**.

SB 261-FN clarifies provisions relative to net energy metering participation and allows customer-generators to receive a payment for negative net energy usage during the subsequent billing cycle in an amount equivalent to certain credits. Sen. Gray of Rochester; **ENR**.

SB 262 modifies the definition of an eligible customer generator of electric energy under the limited electrical energy producers act, changes the apportionment of net energy metering capacity and net metering group eligibility, and requires the public utilities commission to investigate and report on customer-generator interconnection. Sen. Avard of Nashua; **ENR**.

SB 265 clarifies when a municipality or county must mail customers written notice of the adoption of certain electric aggregation programs. Sen. Kahn of Keene; **ENR**.

SB 267-FN-A establishes the position of upland invasive species program coordinator in the department of agriculture, markets, and food and establishes the upland invasive species remediation program and fund. Sen. Giuda of Warren; **ENR**.

SB 272 establishes a committee to study the New Hampshire banking department's role in operating the public deposit investment pool. Sen. Rosenwald of Nashua; **F-S**.

SB 273-A permits towns to authorize the borrowing of money for broadband infrastructure at special meetings. Sen. Bradley of Wolfeboro; **F-S**.

SB 274 removes labor agreements from the competitive bid process and awarding of state government and state government assisted construction contracts. Sen. Bradley of Wolfeboro; **F-S**.

SB 275 provides that disbursement from the opioid abatement trust fund shall be based on the most recent decennial census. Sen. Rosenwald of Nashua; **F-S**.

SB 298 repeals the law relative to certain discrimination in public workplaces and education. Sen. Watters of Dover; **JUD-S**.

SB 300-FN defines and includes the refusal of an experimental drug in the protections provided under the state commission for human rights. Sen. Avard of Nashua; **JUD-S**.

SB 301-FN-L establishes a procedure for filing pleadings under RSA 91-A with the superior court. Sen. French of Canterbury; **JUD-S**.

SB 302-FN prohibits public agencies and public bodies from releasing any lists or other compilation of data that identifies a person as a member or supporter of any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code except in specific circumstances. Sen. Birdsell of Hampstead; **JUD-S**.

SB 304 removes provisions concerning freedom from discrimination in public workplaces and education, and clarifies the authority of public schools and public employers concerning discrimination. Sen. Kahn of Keene; **JUD-S**.

SB 312 provides that the assessors and selectmen shall, as part of creating an annual revised inventory of taxable property, correct any errors in existing appraisals. Sen. Gray of Rochester; **W&M-S**.

SB 315-L requires that a portion of revenues distributed to municipalities from the meals and rooms municipal revenue fund in excess of the fiscal year 2021 amounts received shall be used to reduce the local property tax rate. Sen. D'Allesandro of Manchester; **W&M-S**.

SB 317-L reduces the interest rate applied to the amount of paid property taxes abated by a municipality. Sen. Carson of Londonderry; **W&M-S**.

SB 322 modifies the physically present quorum requirement for meetings of public bodies. Sen. Perkins Kwoka of Portsmouth; **JUD-S**.

SB 325 defines the emergency personnel included in a local organization for emergency management. Sen. Cavanaugh of Manchester; **EL&MA**.

SB 328 changes the date of the state primary election to the third Tuesday in June and makes corresponding changes to other election-related dates. Sen. Gray of Rochester; **EL&MA**.

SB 329 establishes a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing. Sen. Perkins Kwoka of Portsmouth; **HHS**.

SB 334-L allows municipalities by vote of the governing body to establish a registration requirement for of certain vacant and abandoned properties. Sen. Prentiss of Lebanon; **EL&MA**.

SB 337-FN allows for the sharing of emergency medical and trauma services data to systems that preserve care recipient confidentiality for the purposes of data analysis. Sen. Prentiss of Lebanon; **HHS**.

SB 338 enables a municipality to collect an occupancy fee from room rentals for the purpose of establishing a municipal capital fund, revolving fund, or tourism support fund. Sen. Prentiss of Lebanon; **W&M-S**.

SB 341-L requires Saint Gobain Performance Plastics to pay for the remediation of water in certain wells in Merrimack that it contaminated. Sen. Daniels of Milford; **ENR**.

SB 342 modifies the list of nonpublic session types the minutes of which do not need to be made publicly available within 72 hours. Sen. Daniels of Milford; **JUD-S**.

SB 343 establishes a committee to study the formula for distribution of revenues from room occupancy under RSA 78-A. Sen. Hennessey of Littleton; **W&M-S**.

SB 344 removes the requirement that a quorum be physically present for meetings under RSA 91-A. Sen. Daniels of Milford; **JUD-S**.

SB 347-FN prohibits an employer from inquiring about an employee's protected health information as a requirement for initial or continued employment. Sen. Daniels of Milford; **COM-S**.

SB 357-FN reestablishes the commission to study incidence of post-traumatic stress disorder in first responders and requires mental health training for first responders. Sen. Birdsell of Hampstead; **ED&A-S**.

SB 363-FN allows certain retirement system members to purchase nonqualified service time as group II creditable service in order to reduce certain transition provision requirements for retirement. Sen. D'Allesandro of Manchester; **ED&A-S**.

SB 364 extends the time requirement for markup of a backup checklist in the use of electronic poll books. Sen. Perkins Kwoka of Portsmouth; **EL&MA**.

SB 365 removes the requirement that absentee ballots be placed in outer envelopes if they are hand-delivered to the town or city clerk and allows the clerk to open outer envelopes to allow applicants time to cure defects. Sen. Gray of Rochester; **EL&MA**.

SB 366-FN requires an audit of ballots cast in the 2022 state primary and general elections. Sen. Gray of Rochester; **EL&MA**.

SB 370-FN amends the definition of municipal host to include the university of New Hampshire and community college systems. Sen. Perkins Kwoka of Portsmouth; **ENR**.

SB 374-FN prohibits any entity from requiring that an individual who had COVID-19 or who is under the age of 18 receive a vaccination against the virus as a condition for employment, education, or access to businesses or entities open to the public and establishes an exemption as a matter of conscience against a vaccination mandate. Sen. French of Canterbury; **HHS**.

SB 376-FN establishes a committee to study the creation of a board to study mental health incidents among law enforcement officers and makes an appropriation to the police standards and training council for crisis intervention training. Sen. Giuda of Warren; **JUD-S**.

SB 377-FN creates a prima facie presumption for the diagnosis of post-traumatic stress disorder for any incident that occurs while a state trooper is operating a state police vehicle in the performance of the trooper's official duties. Sen. Carson of Londonderry; **JUD-S**.

SB 379-FN establishes the solid waste reduction management fund and establishes a solid waste disposal surcharge of \$1.50 per ton, with the same amount to be returned to municipalities for source reduction and recycling efforts. Sen. Watters of Dover; **W&M-S**.

SB 380-FN creates a committee to study the prohibition of any landfill in the state from accepting waste from municipalities with no solid waste plan, creates a committee to study the development of a solid waste disposal site evaluation committee, requires statues and rules in effect at the time an application for a solid waste permit is complete to apply to the application, and requires the department of environmental services to consider the net public benefit when reviewing an application for a solid waste permit. Sen. Hennessey of Littleton; **ENR**.

SB 383-FN establishes surveyor right of entry and landowner liability protections during the performance of certain land surveying activities. Sen. Ricciardi of Bedford; **ED&A-S**.

SB 387-FN-A makes an appropriation to the body-worn and dashboard camera fund and establishes a distribution process. Sen. Kahn of Keene; **F-S**.

SB 395 allows municipalities and cell phone service providers to apply for broadband matching grant funds to upgrade local cell phone service to the standard necessary to support broadband and other advanced communication services. Sen. Kahn of Keene; **EL&MA**.

SB 398 replaces the joint committee on code enforcement with the advisory committee on state building and fire codes and establishes a grace period for the applicable state building code on building permit applications. Sen. Carson of Londonderry; **ED&A-S**.

SB 400-FN provides for free training for members of a zoning board of adjustment or planning board; makes several changes to planning and zoning board procedures and zoning requirements; provides for fee shifting and posting of bonds in appeals of ZBA decisions; permits tax increment finance districts to be used to increase residential development; increases the tax relief incentive period for eligible housing projects under RSA 79-E; and establishes the New Hampshire housing champion certification program in the office of planning and development. Sen. Bradley of Wolfeboro; **EL&MA**.

SB 402-FN provides matching funds from the state for Federal Emergency Management Agency public assistance disaster grants and hazard mitigation grant program resulting from two presidential disaster declarations in response to July-August 2021 flood damage sustained by municipalities in Cheshire and Sullivan counties. Sen. Kahn of Keene; **F-S**.

SB 405-FN modifies penalties for certain offenses related to elections. Sen. Giuda of Warren; **EL&MA**.

SB 409 modifies the circumstances under which the governor may approve exceptional disaster relief loans. Sen. Prentiss of Lebanon; **F-S**.

SB 410 requires public comment periods at school board meetings, the adoption of a school board code of ethics developed by the state board of education, and procedures for amendment and submission of school district charters. Sen. Carson of Londonderry; **EDUC-S**.

SB 411-FN requires a critical incident stress management debriefing following certain emergency services incidents and establishes a retirement system benefit for group II members retired due to a violent act injury. Sen. Cavanaugh of Manchester; **ED&A-S**.

SB 418-FN establishes mandatory affidavit balloting for any voter who does not present a valid photo ID on election day or whose photo ID does not establish the voter's domicile, and for any voter whose name is not on the checklist on election day. Sen. Giuda of Warren; **EL&MA**.

SB 419-FN directs the commissioner of health and human services to establish regional public health networks to develop a coordinated response to public health incidents and emergencies. Sen. Prentiss of Lebanon; **HHS**.

2022 NHMA UPCOMING MEMBER EVENTS	
Jan. 4	Webinar: 2022 Legislative Preview: Raise Your Hometown Voices - 12:00 – 1:00
Jan. 8	Town & School Moderator SB2 Workshop (Hybrid) - 9:00 – 1:30
Jan 19	Webinar: The Dos and Don'ts of Electioneering - 12:00 – 1:00
Jan 27	Right-to-Know for Law Enforcement Workshop (Hybrid) - 9:00 – 12:00
Feb. 12	Town & School Moderator Traditional Town Workshop (Hybrid) - 9:00 – 1:30
Please visit 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.	