

# LEGISLATIVE BULLETIN

## A Historic Year

The concurrence of the New Hampshire House with the New Hampshire Senate on the State Budget ([HB 1](#)) and Trailer Bill ([HB 2](#)) marked a historic moment at the State House—and an investment in our cities and towns. The bipartisan effort that went into those bills resulted in a number of wins for everyone, including \$145 million more for municipalities than in the last biennium’s budget. (For those who want to read ahead, our summary is [here](#).)

As we mentioned in [Legislative Bulletin #27](#), it was a very good year for New Hampshire’s cities and towns. In addition to increased state aid to cities and towns, meals and rooms revenue was above projections (meaning that additional dollars are coming), and several bills of serious concern were defeated, while a handful of bills that improve municipal operations passed.

Below, you’ll find a list containing summaries of the 67 bills that affect municipalities and became law this year. Typically, NHMA’s *Final Bulletin* contains summaries of around 100 new laws. This year’s unusually low count demonstrates how carefully legislators in Concord considered issues that affect municipalities and how your communications with your legislators can lead to better outcomes for local government.

Thank you for all the work that you put into making the 2023 legislative session a success, and we look forward to working with you throughout the 2024 legislative session. And remember, it’s an election year next year, so we’ll be calling for volunteers for our legislative policy committees. Please consider spending some time with us in Concord helping craft the next biennium’s policies.

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## 2023 Final Legislative Bulletin

### Elections

*Candidate Sign Retrieval Broadened.* [Chapter 41](#) (HB 286) allows members of a candidate's campaign or local political committee to retrieve campaign items removed by the state, city, or town. **Statutes amended: RSA 664:17. E.D. July 18, 2023.**

*Ballot Language Altered.* [Chapter 43](#) (HB 336) changes the language on election ballots relative to the number of candidates from "vote for not more than" to "vote for not more than 1" (if only one position) or "vote for up to [number of positions]" (if multiple positions). **Statute amended: RSA 656:6. E.D. July 18, 2023.**

*Absentee Ballot Request Deadline Changed.* [Chapter 184](#) (HB 244) bill changes the latest time that an absentee ballot may be requested to noon, if mailed, the day before the election or 5:00 p.m. if requested in person at the town clerk's office. **Statute amended: RSA 657:15. E.D. October 3, 2023.**

### Energy

*Electric Vehicle Charging Infrastructure Statutes Updated.* [Chapter 66](#) (SB 52) modernizes the electric vehicle charging station statutes for electric vehicle infrastructure construction projects and establishes a committee to study electric vehicle charging infrastructure funding. **Statutes amended: RSA 236:132; 236:133. E.D. August 6, 2023.**

*Community Electric Aggregation Plan Complaint Process Clarified.* [Chapter 85](#) (HB 385) clarifies the procedure for complaints pertaining to actions undertaken or omitted by any municipal or county aggregator or electric distribution utility or applicable rules or orders of the commission shall be made to the department of energy. **Statute amended: RSA 53-E:2; 53-E:7. E.D. June 20, 2023.**

*C-PACE Clarified.* [Chapter 91](#) (HB 576) clarifies the use of a commercial property assessed clean energy (C-PACE) model in a clean energy efficiency and clean energy district under RSA 53-F. Further, the law clarifies that the C-PACE lien priority is the same as other property tax liens and may be collected in the same manner. **Statute amended: RSA 53-F:3; 53-F:8. E.D. August 19, 2023.**

*Utility Pole Stakeholder Group Created.* [Chapter 138](#) (SB 16) establishes a stakeholder's group to address utility poles and attachments in the state, under the direction of the director of the division of enforcement in the department of energy. **Statute created: RSA 374:34-b. E.D. August 29, 2023.**

*Small-Hydro Participation in Net Metering.* [Chapter 141](#) (SB 40) allows a small hydroelectric generator that first became operational before July 1, 2021 and shares equipment or facilities with other generators, energy storage facilities, or electric utility customers for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators and energy storage facilities sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements. **Statutes amended: RSA 362-A:9, XX. E.D. June 30, 2023.**

*Small-Hydro Participation in Net Metering.* [Chapter 141](#) (SB 40) allows a small hydroelectric generator that first became operational before July 1, 2021 and shares equipment or facilities with other generators, energy storage facilities, or electric utility customers for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators and energy storage facilities sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements. **Statutes amended: RSA 362-A:9, XX. E.D. June 30, 2023.**

*Municipal Energy Host Location Requirements Changed.* [Chapter 233](#) (HB 281) among other provisions, removes the requirement that a municipal host under the limited electrical energy producers act be located in the same municipality as all group members. **Statute amended: RSA 362-A:1-a. E.D. October 7, 2023.**

*Electric Grid Modernization Statutes Amended.* [Chapter 243](#) (SB 166) allows the department of energy and the public utilities commission to implement the use of distributed energy resources, transactive energy, enhanced demand response, and distributed generation and storage for grid modernization for New Hampshire and creates a Grid Modernization Advisory Group with a representative of a municipal aggregation supplier. **Statutes amended: RSA 12-P:16; 374-F:2; 362-A:1-a; 362-A:2-b; 374-H:2. E.D. October 7, 2023.**

## Environment

*Ambient Groundwater Quality Standards Adoption Clarified.* [Chapter 70](#) (SB 123) alters the language of the ambient groundwater quality standards statute to clarify that the Department of Environmental Services may adopt standards that are equivalent to the federal maximum contaminant level promulgated under the Federal Safe Drinking Water Act or stricter standards, including standards that are stricter than the state established maximum contaminant levels. **Statute amended: RSA 485-C:6, I. E.D. June 7, 2023.**

*Landfill Study Committee Created.* [Chapter 100](#) (SB 159) establishes a committee to study unlimited service area permits for landfills and out of state waste coming into New Hampshire. **Statute amended: None. E.D. June 20, 2023.**

*Merrimack River Complete Capacity Authorization Removed.* [Chapter 121](#) (SB 159) removes the language relative to authorization for complete capacity utilization of the Merrimack River by Pennichuck Water Works in line with the remainder of the statute. **Statute amended: RSA 483:15. E.D. August 29, 2023.**

*Extended Producer Responsibility Committee Created.* [Chapter 124](#) (HB 253) establishes a committee to study extended producer responsibility as a mechanism for meeting the waste reduction goals established in RSA 149-M and reducing the tax burden that solid waste disposal places on municipalities. **Statute amended: None. E.D. June 30, 2023.**

*Wetland Permits Administration Altered.* [Chapter 147](#) (SB 229) clarifies the fee for an alteration of terrain permit; creates an additional, optional 120-day period for applicants to supply additional information for an alteration of terrain permit; clarifies that the application for an excavating and dredging permit should come from the municipality which is impacted; clarifies several provisions relative to repair or replacement in-kind of a sewage effluent disposal area. **Statutes amended: RSA 485-A:17; 482-A:3; 485-A:33. E.D. July 1, 2023.**

## Finance

*Equalization Manual Incorporated.* [Chapter 33](#) (HB 285) allows the department of revenue administration to incorporate by reference the New Hampshire equalization manual into the administrative rules of the department and to develop such forms or returns as may be necessary. **Statute amended: RSA 541-A:21, V. E.D. July 16, 2023.**

*PDIP Oversight Changed to State Treasurer.* [Chapter 36](#) (HB 595) changes the oversight of the public deposit investment pool from the banking department to the state treasurer. **Statutes created: RSA 6:45 – :47. Statutes repealed: RSA 383:22 – :24. E.D. July 16, 2023.**

*Asset Evaluation Date Established.* [Chapter 39](#) (HB 237) establishes an asset evaluation date of December 31 for purposes of determining eligibility for the property tax exemption for the disabled, for the deaf or severely hearing impaired, and for the elderly. **Statutes amended: RSA 72:37-b; 72:38-b; 72:39-a. E.D. July 18, 2023.**

*Notice of Tax Lien Time Extended.* [Chapter 42](#) (HB 335) extends the time period for notifying the commissioner of health and human services of the execution of a municipal or state tax lien on real estate subject to a lien for certain public assistance to 60 days from 45 days. **Statute amended: RSA 80:68. E.D. July 18, 2023.**

*State Budget and Trailer Bill.* [Chapter 79](#) (HB 2) and [Chapter 106](#) (HB 1) increase state aid to municipalities by an estimated \$145 million over the biennium as compared to last biennium. Numerous changes were made to individual funding programs and new programs were created to study retirement benefits, fund water and wastewater infrastructure, local roads and bridges, PFAS remediation, cyanobacteria mitigation, and housing, among other provisions. (Please see [New Hampshire State Budget Summary](#) for further information.) **Statute amended: Many. E.D. July 1, 2023 (Majority of Provisions).**

*Intent to Cut Process Changed.* [Chapter 117](#) (HB 174) grants assessing officials 5 business days to forward a signed intent to cut to the Department of Revenue instead of “immediately”; allows an owner to begin a cut after 15 days if no communication is received from the municipality; prohibits an owner from continuing to cut after notice received of that the conditions of approval have not been met if cutting has commenced. **Statute amended: RSA 79:10; 227-J:5. E.D. August 29, 2023.**

*Proration of Property Tax Exemptions.* [Chapter 119](#) (HB 197) provides that if an individual is eligible for a property tax exemption for the blind, disabled, deaf or severely hearing impaired, or elderly and owns a fractional interest in the property, the exemption amount shall be prorated based on the amount of their fractional interest in the property. No re-adoption of any local exemption is necessary. **Statute amended: RSA 72:41. E.D. April 1, 2024.**

*Municipal Bonding for Broadband Expanded.* [Chapter 173](#) (SB 222) expands the definition of “revenue producing facility” for municipal bonding purposes to include “or any location within a communications district formed under RSA 53-G” and defines the term “broadband” by rate of download and upload. **Statutes amended: RSA 33-B:1; 38:38. E.D. September 26, 2023.**

## Land Use

***Building & Fire Code Updates Adopted.*** [Chapter 46](#) (HB 564) ratifies amendments to the state building code approved by the state building code review board, ratifies amendments to the state fire code approved by the fire marshal and state board of fire control, and adds a fire protection engineer to the state board of fire control. **Statutes amended: RSA 155-A:1, IV; 153:2. E.D. May 19, 2023.**

***Electric Vehicle Charging for Renters Study Committee Established.*** [Chapter 81](#) (HB 111) establishes a committee to study electrical vehicle charging for residential renters. **Statute amended: None. E.D. June 20, 2023.**

***Landowner Liability Under Hazardous Waste Cleanup Fund Clarified.*** [Chapter 96](#) (SB 62) clarifies landowner liability provisions relative to the hazardous waste cleanup fund by updating the language to clearly state “owner or former owner” and updates references to the term “hazardous substances” by replacing that term with “hazardous wastes or hazardous materials.” **Statute amended: RSA 147-B:10-a. E.D. June 20, 2023.**

***Land Use Board Authority Expanded Over Homeowners Associations.*** [Chapter 114](#) (HB 42) requires, among other things, that no homeowner’s association in a municipality whose land use board approved the existence of the homeowner’s association may take action to dissolve without a hearing before the approving land use board. (Please see [joint BEA-NHMA guidance](#) for further information.) **Statute created: RSA 292:8-m. E.D. January 1, 2024.**

***Protective Well Radii Standards Changed.*** [Chapter 123](#) (HB 247) removes encroachment waivers, requires the use of a setback reduction form instead of a recorded release, redefines what is a protective well radius, and removes certain requirements for amended septic system plans. **Statutes amended: RSA 485-A:30-b; 485-A:2; 485-A:30-a; 485-A:41. E.D. August 29, 2023.**

***Residential Driveway Authority Altered.*** [Chapter 187](#) (HB 296) alters the authority for local land use boards to regulate driveway access for residential properties. (Please see [joint BEA-NHMA guidance](#) for further information.) **Statute amended: RSA 153:5. E.D. October 3, 2023.**

***Public Playground Accessibility Clarified.*** [Chapter 196](#) (HB 467) clarifies that the accessible pathways for public playgrounds required by the Americans with Disabilities Act constructed after January 1, 2024, must be made from resilient solid surface material that is not a loose fill or aggregate, beginning at the entrance of the playground, continuing to each piece of playground equipment, and extending to the playground exit. **Statute created: RSA 155:83. E.D. October 3, 2023.**

***Historical African-American Burial Site Excavation Process Enacted.*** [Chapter 200](#) (SB 11) requires that ultimate disposition of remains and other archaeological materials such as markers, gates, mortuary materials or other archaeological materials found in an African American burial ground shall be in consultation with the descendants or descendant community through a new statutory process involving the Department of Natural & Cultural Resources, with the Department serving in an advisory capacity to municipalities. **Statutes amended: RSA 227-C:8-a; 227-C:8-d; 227-C:8-g; 227-C:8-e; 289:14-a. E.D. October 3, 2023.**

***Surety Bonding Statutes Changed.*** [Chapter 208](#) (SB 78) changes a number of practices surrounding surety bonding, including altering when during construction bonds may be required, establishing timelines

for action, and providing requirements for when bonds may be ‘called.’ (Please see [joint BEA-NHMA guidance](#) and [August 30, 2023 webinar](#) for further information.) **Statute amended: RSA 674:36. E.D. October 3, 2023.**

## **Local Authority**

***Police Matron Statute Repealed.*** [Chapter 52](#) (SB 29) repeals the authority for select boards to appoint “police matrons.” **Statute amended: RSA 105:1. E.D. July 31, 2023.**

***Tenure of Public Librarians Clarified.*** [Chapter 80](#) (HB 72) inserts the phrase “may serve” into the librarian tenure statute. It now reads: “[t]he librarian shall be appointed by the board of library trustees for a term of office agreed to at the time of employment and may serve until a successor is appointed and qualified.” **Statute amended: RSA 202-A:15. E.D. August 19, 2023.**

***Agricultural Exemption from Municipal Noise Ordinances Process Altered.*** [Chapter 83](#) (HB 252) exempts farming and agricultural operations, excluding agritourism activities, from municipal noise ordinances under RSA 31:39. Pursuant to RSA 674:32-c, II, new, re-established, or expanded agricultural operations were already exempt from municipal noise ordinances under certain circumstances, as determined by the local zoning board of adjustment, on a case-by-case basis. (Please see [joint BEA-NHMA guidance](#) for further information.) **Statute amended: RSA 31:39, I(n). E.D. August 19, 2023.**

***Marriage License Accommodate Statute Modified.*** [Chapter 159](#) (SB 89) alters the statute requiring city and town clerks to accommodate persons with medical conditions applying for marriage licenses by meeting in person with the parties at such other location within the city or town as may be convenient to make the accommodation optional. **Statute amended: RSA 5-C:42. E.D. September 26, 2023.**

***Welfare Recipients Residency Clarified.*** [Chapter 161](#) (SB 110) clarifies that a person does not change his or her residency status while in a hospital, a correctional facility, a treatment program center, or a hotel or motel paid for by a municipality or other service provider, except in certain circumstances, for the purpose of determining responsibility for local assistance. **Statute amended: RSA 165:1-c. E.D. September 26, 2023.**

***Sealed Meeting Minute Procedure Change.*** [Chapter 189](#) (HB 321) requires public bodies and agencies to either (1) adopt procedures to review minutes of meetings held in nonpublic session and to determine by majority vote whether the circumstances that justified keeping meeting minutes from the public under RSA 91-A:3, III no longer apply or (2) follow a new statutory scheme. (Please see [Sealed Nonpublic Meeting Minutes Review Procedure](#) for further information.) **Statute created: RSA 91-A:3, IV. E.D. October 3, 2023.**

***Charter Statute Reference Error Fixed.*** [Chapter 213](#) (SB 111) corrects RSA 49-D:2 to correctly reference the powers given to towns under the charter options available under RSA 49-D:3, and clarifies that the position of town clerk remains an elected position in town charter forms of government. **Statute amended: RSA 41:16; 49-D:2. E.D. October 3, 2023.**

***Firefighter Cancer Presumption.*** [Chapter 206](#) (SB 71) removes the requirement that the type of cancer for which the firefighter is being treated must be a type which may be caused by exposure to heat, radiation, or a known carcinogen, as defined by the International Agency for Research on Cancer. **Statute amended: RSA 281-A:17. E.D. August 4, 2023.**

## Public Safety

*Law Enforcement-School Official Communications Statute Clarified.* [Chapter 68](#) (SB 109) clarifies the ability of law enforcement to disclose information about juvenile or criminal proceedings involving a juvenile to school officials where there exists a “serious threat to school safety” pursuant to RSA 169-B:2, XIV, or, in other circumstances, in accordance with court order for use by school officials. **Statute amended: RSA 193-D:7. E.D. August 6, 2023.**

*Definition of “Way” Applied to Additional Statutes.* [Chapter 76](#) (SB 182) expands the definition of “way” under RSA 259:125, II to apply to the implied consent statutes (RSA 265-A:4 and :25) and the Administrative License Suspension statute (RSA 265-A:31). **Statute amended: RSA 259:125, II. E.D. January 1, 2024.**

*Committee to Study Emergency Dispatcher Training.* [Chapter 84](#) (HB 376) establishes a committee to study the current education, training, and requirements for personnel employed as emergency dispatchers and 911 telecommunicators for police, fire, and emergency medical organizations. **Statute amended: None. E.D. June 20, 2023.**

*OHRV Trail Use Altered.* [Chapter 217](#) (SB 160) prohibits OHRVs registered in this state or any other jurisdiction for use on a way in this state, except OHRVs registered for purposes under RSA 261:41-a, from being used recreationally on designated OHRV trails. **Statutes amended: RSA 215-A:6; 215-A:21. E.D. October 3, 2023.**

*Catalytic Converters Records Required to Be Kept.* [Chapter 221](#) (SB 188) places a variety of record keeping requirements on catalytic converter and scrap metal dealers and requires their provision of certain information to the local police department upon request and requires their cooperation with enforcement in the event of a theft. **Statute created: RSA 322:16. Statutes Amended: 263:12. E.D. August 4, 2023.**

*Arrest Without a Warrant Statute Modified.* [Chapter 227](#) (SB 58) authorizes a law enforcement officer to arrest a person without a warrant for interfering with the provision of medically-necessary health care services while in the care of a medical professional on the premises of a residential care or health care facility. **Statute amended: RSA 594:10. E.D. August 4, 2023.**

## Retirement System

*Changes to Retirement System Administration.* [Chapter 19](#) (HB 193) clarifies the definition of “job sharing” for teachers, the definition of “special duty” for details and other work activities provided to third-parties, procedures for military service credit, and alters some terminology. **Statute amended: RSA 100-A:1; 100-A:3; 100-A:4; 100-A:5. E.D. July 3, 2023.**

*Employer Compensation Report Requirement Ratified.* [Chapter 63](#) (HB 278) ratifies the requirement in RSA 100-A:16, VII for the retirement system to receive employer compensation reports and assess a penalty for noncompliance. **Statute amended: None. E.D. June 1, 2023.**

## Roads & Transportation

*Pedestrian Control Signals Now Match MUTCD.* [Chapter 28](#) (HB 153) aligns the definition of pedestrian control signals with the Manual on Uniform Traffic Control Devices and allows crossing during “Don’t Walk” signals if such crossing does not interfere with vehicular traffic. **Statute amended: RSA 265:11. E.D. July 16, 2023.**

*Recodification of Transportation Network Companies Chapter.* [Chapter 30](#) (HB 219) repeals or moves several RSA chapters no longer administered by the Public Utilities Commission resulting in a recodification of the chapter on transportation network companies and creates a legislative committee to study statutory provisions no longer associated with administration by the department of energy or the public utilities commission. **Statute repealed: RSA chapter 376-A. Statute created: RSA chapter 359-U. E.D. July 1, 2023.**

*Reestablishing Road Toll Alternative Commission.* [Chapter 87](#) (HB 412) reestablishes a commission to study revenue alternatives to the road toll for the funding of improvements to the state’s highways and bridges and their resulting improvements. **Statute repealed and reenacted: RSA chapter 21-J:49. E.D. June 20, 2023.**

## State Regulation

*Lucky 7 Sales Hours Expanded.* [Chapter 77](#) (SB 192) allows lucky 7 tickets sold in conjunction with bingo games to be sold starting at 8:00 a.m., instead of noon. **Statute amended: RSA 287-E:21, II(c). E.D. June 7, 2023.**

*Office of Professional Licensure Statutes Consolidated.* [Chapter 112](#) (HB 655) consolidates administrative authority for the office of professional licensure and certification (OPLC) in a new chapter of law listing, among other boards, the following as falling under OPLC's jurisdiction: board of land surveyors under RSA 310-A:55; board of landscape architects under RSA 310-A:142; board of licensing for foresters under RSA 310-A:100; board of natural scientists under RSA 310-A:81; board of septic system evaluators under RSA 310-A:206; and the assessing standards board under RSA 21-J:14-a. **Statute amended: RSA chapter 310. E.D. July 1, 2023.**

*Bingo and Lucky 7 Game Number Increased.* [Chapter 139](#) (SB 19) increases the permitted number of game dates of bingo per month from 10 to 16, and up to 192 games per year, with members of charitable organizations eligible for reimbursement of up to \$50 per date; increases the permitted number of game dates of lucky 7 per month from 10 to 16 and allows them to be sold in conjunction with Bingo games. **Statute amended: RSA 287-E:6; 287-E:7; 287-E:21. E.D. June 30, 2023.**

*Homestead Food Operations Licensure Removed.* [Chapter 180](#) (HB 119) among other provisions, eliminates the sales amount cap for homestead food operations, allowing all homestead food operations to operate without a food service license. **Statute amended: RSA 143-A:5. E.D. October 3, 2023.**