

LEGISLATIVE BULLETIN

Hearing Scheduled on Meeting Postponement Bill

As we mentioned in last week's Bulletin, **SB 2** is a fast-tracked bill that would (1) significantly loosen the restrictions on postponing either or both sessions of town meetings for 2021, and (2) allow for the pre-processing of absentee ballots for municipal elections occurring before August 1 of this year. One of the more important, and time-sensitive, provisions in the bill is a suspension of the law that limits postponement of a deliberative sessions to 72 hours.

The Senate passed the bill last week and immediately sent it to the House. It has now been scheduled for a hearing in the House Election Law Committee on **Friday, January 22, at 10:00 a.m.** This will be a virtual hearing—the first one in the House this year—and we are not yet clear on the process for testifying at the hearing; we will get that information as soon as possible. We do know that many local officials are interested in this bill. If you would like to speak at the hearing, or just register your support for the bill, please contact us next week at governmentaffairs@nhmunicipal.org and we will provide the necessary information. If you are just interested in observing/listening to the hearing, you can find the Zoom link on page 9 of today's [House calendar](#) under "Election Law."

Hearings Begin

Senate committees held a few hearings this week, and a fuller roster is scheduled for the coming week. As indicated above, the House Election Law Committee is holding hearings next Friday, but it is the only House committee with hearings next week. It will be another week or two before House committees begin their hearings in earnest.

Senate hearings are being held entirely virtually. That will take some getting used to, but one benefit is that you can testify without traveling to Concord. ***Instructions for signing up to speak or simply to register your support or opposition to a bill are posted on the [General Court website](#) under "Links to Remote Meetings."*** Please note that you need to sign up at least 30 minutes before the committee's first hearing of the day (which will not necessarily be your hearing). If you are late in signing up, you will still have an opportunity to speak, as the committee

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chair will ask before closing the hearing whether anyone else wants to speak—but try to sign up early.

If you just want to watch/listen to a hearing, you don't need to sign up—you can just use the Zoom link under the committee's name in the Senate calendar for the appropriate day, and you can join at any time.

We understand that at least some House committees will be meeting in person at the Legislative Office Building, in double rooms that allow for adequate distance, but committee members will have the option of participating remotely, and all public testimony will be via Zoom. Presumably the process will be similar to that for Senate hearings; we will provide more information when we have it.

Electronic Poll Books

On **Thursday, January 21**, the Senate Election Law & Municipal Affairs Committee will hear testimony on **SB 46**, an **NHMA policy bill** that would allow municipalities to use electronic “poll books” for voter registration and check-in. For the last few years, a pilot program has been in place under which a few municipalities have been able to use electronic poll books, and election officials in those municipalities have been seriously impressed. The poll books have greatly improved the speed and efficiency of voter check-in, with no drawbacks.

The new legislation terminates the pilot program and makes poll book authorization permanent. It would still allow use of only those systems that have been approved by the secretary of state, based on recommendations from an “evaluator of electronic election systems.” The polling place must have a paper checklist, or the ability to produce one quickly, in the event of a system failure. E-poll books are used only for registering and checking in, not for voting.

NHMA strongly supports **SB 46**. We encourage election officials (and others) who are interested in shorter lines and faster processes on election day to register your support and/or speak in support of the bill on Thursday. (See the article above for instructions on how to do so.)

Bills Galore

A few hundred new bills were released this week, and we have listed the ones affecting municipal government at the end of this Bulletin. Please read through the list and check out anything that sounds interesting. There are a number of good proposals, while many others are cause for serious concern. You can always find a list of all 2021 bills on the [General Court website](#) by going to “Find a 2021 Bill” on the home page, leaving the field blank, and clicking on the search icon.

HOUSE CALENDAR

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

FRIDAY, JANUARY 22, 2021

ELECTION LAW

- 10:00 a.m. **SB 2**, allowing the preprocessing of absentee ballots for certain 2021 elections and allowing for the postponement of annual town meetings in calendar year 2021 where concerns exist during the COVID-19 health emergency.
- 11:00 a.m. **HB 86-FN**, relative to voter qualifications and registration procedures.
- 12:00 p.m. **HB 121-FN-A**, establishing an independent redistricting commission.

SENATE CALENDAR

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

TUESDAY, JANUARY 19, 2021

JUDICIARY

1:30 p.m. **SB 39**, exempting information and records contained in law enforcement personnel files from disclosure under the right-to-know law.

WEDNESDAY, JANUARY 20, 2021

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

9:40 a.m. **SB 42**, restricting public officers from engaging in certain private dealings.

THURSDAY, JANUARY 21, 2021

ELECTION LAW AND MUNICIPAL AFFAIRS

9:00 a.m. **SB 30**, permitting the towns of Tilton and Northfield to redraw their boundary lines.

9:10 a.m. **SB 31**, relative to voter checklists and modifying the absentee ballot affidavit.

9:20 a.m. **SB 46**, relative to the use of electronic poll books by cities and towns. **NHMA Policy**.

New House Bills

HB 86 eliminates election day voter registration and enacts provisions of the National Voter Registration Act, prohibits undeclared voters from registering as a member of a party on election day to vote in that party's primary, and makes certain other changes to the election laws. Rep. Silber of Gilford; **EL**.

HB 231 requires employers to provide access to reasonable accommodations for employees who are lactating. Rep. Abel of Lebanon; **LABOR**.

HB 232 limits nonpublic sessions under the right-to-know law for the purpose of considering the acquisition, sale, or lease of real or personal property. Rep. Hough of Laconia; **JUD-H**.

HB 235 requires the department of environmental services to adopt rules specifying criteria and procedures relative to groundwater withdrawals of under 57,600 gallons of water per day. Rep. M. Pearson of Hampstead; **RR&D**.

HB 236 establishes a six-year statute of limitations for civil actions for damages arising out of PFAS exposure. Rep. Vail of Nashua; **JUD-H**.

HB 237 establishes procedures for the legalization, regulation, and taxation of cannabis, and the licensing and regulation of cannabis establishments. Rep. Conley of Dover; **CJ&PS**.

HB 243 requires municipal budgets to use full line-item detail in industry-standard electronic spreadsheet format. Rep. Piemonte of Sandown; **M&CG**.

HB 253 requires all law enforcement agencies to equip their officers with body-worn cameras and establishes a fund in the department of justice to make grants to law enforcement agencies for the purchase of body-worn cameras. Rep. Conley of Dover; **CJ&PS**.

HB 256 adds members from Londonderry to the commission to investigate and analyze the impacts of the releases of perfluorinated chemicals into the air, soil, and groundwater in Merrimack, Bedford, and Litchfield. Rep. Rung of Merrimack; **RR&D**.

HB 258 requires an employer to permit an employee to electronically sign or acknowledge alterations to the employee's wage and hour records. Rep. Yokela of Fremont; **LABOR**.

HB 262 requires every bylaw and ordinance to cite the statute that enables the bylaw or ordinance. Rep. Yokela of Fremont; **M&CG**.

HB 266 requires state and local government entities to comply with federal immigration detainer requests and prohibits them from adopting policies that prohibit, restrict, or discourage the enforcement of federal immigration law. Rep. Potucek of Derry; **M&CG**.

HB 271 directs the department of environmental services to set maximum contaminant levels for per and polyfluoroalkyl substances (PFAS). Rep. Rung of Merrimack; **RR&D**.

HB 274 requires the state to pay five percent of contributions of New Hampshire Retirement System employers other than the state for teachers and group II members. Rep. O'Brien of Nashua; **ED&A-H**.

HB 279 increases the maximum gross weight allowed on any tandem axle for a combination of truck-tractor and single semi-trailer with 4 or more axles that carries forest products. Rep. Pearl of Loudon; **TRANS-H**.

HB 284 extends the deadline for requests for restoration of lots that were involuntarily merged. Rep. McBeath of Portsmouth; **M&CG**.

HB 285 modifies the procedures for ongoing verification of the information contained in voter checklists. Rep. Layon of Derry; **EL**.

HB 286 establishes a committee to study the response of law enforcement and the criminal justice system to homelessness in New Hampshire. Rep. Klein-Knight of Manchester; **CJ&PS**.

HB 288 repeals the housing appeals board. Rep. Abbas of Salem; **JUD-H**.

HB 291 requires that town and city clerks shall make absentee ballot voter lists available for public inspection. Rep. Hill of Northfield; **EL**.

HB 292 establishes procedures for the verification of certain mail-in absentee voter applications. Rep. Hill of Northfield; **EL**.

HB 295 provides a procedure for an individual to obtain a new birth certificate to reflect a sex designation other than that which was assigned at birth. Rep. Cannon of Somersworth; **HHS&EA**.

HB 302 clarifies the authority of the department of information technology, in cooperation with the secretary of state and the department of administrative services, to set standards for the creations, retention, and acceptance of electronic records by government agencies. Rep. L. Ober of Hudson; **ED&A-H**.

HB 307 restates the existing state preemption of local regulation of firearms and creates a civil cause of action against a municipality for enacting such regulations. Rep. Silber of Gilford; **CJ&PS**.

HB 314 exempts homestead food operations that sell potentially hazardous food directly to consumers from licensure and preempts any local regulation prohibiting or regulating the production and sale of homestead food products. Rep. Nunez of Pelham; **HHS&EA**.

HB 315 revises the procedures applicable to municipal or county aggregators and municipal electric utilities for the aggregation of energy services. Rep. Vose of Epping; **ST&E**.

HB 326 requires that town and city clerks make electronic lists of persons who have requested, been mailed, or returned absentee ballots available to candidates upon request. Rep. Berry of Manchester; **EL**.

HB 327 requires a city or town clerk to mark the affidavit envelope of an in-person absentee voter verifying that such person presented identification when returning his or her ballot. Rep. Prudhomme-O'Brien of Derry; **EL**.

HB 331 limits the conditions under which seized property may be transferred to a federal agency. Rep. Sylvia of Belmont; **JUD-H**.

HB 332 purports to clarify the date upon which planning boards begin formal consideration of developments of regional impact. Rep. Seaworth of Pembroke; **M&CG**.

HB 341 requires municipalities to permit certain single-family dwellings in residential districts to be used for up to four residential units. Rep. Vann of Peterborough; **M&CG**.

HB 343 prohibits balance billing for ambulance services under the managed care law and requires insurers to reimburse ambulance providers directly. Rep. Weston of Plymouth; **COM-H**.

HB 348 requires a public employer to post notice and an electronic copy of a "tentative agreement on any new or amended collective bargaining agreement" on the public employer's internet website. Rep. Turcotte of Barrington; **LABOR**.

HB 354 changes the language required for a vote on local adoption of sports betting. Rep. Lang of Sanbornton; **W&M-H**.

HB 355 allows licensed lottery retailers to operate keno games in jurisdictions that have voted to allow keno. Rep. Lang of Sanbornton; **W&M-H**.

HB 356 makes administrative changes and clarifications to the employees' contributory retirement system of the city of Manchester. Rep. Long of Manchester; **ED&A-H**.

HB 362 repeals the consideration of a student's educational institution as his or her place of domicile for voting purposes. Rep. Silber of Gilford; **EL**.

HB 364 expands the definition of charitable organization to include fraternal organizations for the purposes of holding raffles. Rep. Ulery of Hudson; **W&M-H**.

HB 372 permits county attorneys and municipal prosecutors to enforce election laws. Rep. Abramson of Seabrook; **EL**.

HB 374 requires that the question of adopting the official ballot referendum (SB 2) form of town meeting be voted on by official ballot, rather than at the business session of town meeting. Rep. Pauer of Brookline; **M&CG**.

HB 375 allows the chief of police to destroy noncontraband abandoned or lost property that is of no monetary value. Rep. Long of Manchester; **CJ&PS**.

HB 377 allows substance-free recovery houses to be granted an exemption by the state fire marshal for certain requirements of the state fire code. Rep. Connors of Manchester; **ED&A-H**.

HB 379 authorizes electronic notice in lieu of newspaper publication in certain statutes that require a city, town, or other political subdivision to provide notice of a meeting, hearing or other event. **NHMA Policy**. Rep. Dolan of Manchester; **JUD-H**.

HB 383 permits municipalities with semi-annual or quarterly billing to submit an adjusted rate application to the department of revenue administration in the event of an increase of 15 percent or more in the amount of property taxes to be raised for the current year as compared to the previous year. Rep. Porter of Hillsborough; **M&CG**.

HB 385 repeals the limit on the length of time that heart or lung disease in members of fire departments is presumed to be occupationally related. Rep. M. Pearson of Hampstead; **LABOR**.

HB 390 extends the period for amortization of the retirement system unfunded liability as of 2017 by 5 years to 2044, and requires a recertification of rates to account for the change. Rep. O'Brien of Nashua; **ED&A**.

HB 392 requires that all voting members of local land use boards be residents of the municipality in which they serve. Rep. Somssich of Portsmouth; **M&CG**.

HB 395 exempts income from a home-share arrangement from the determination of net assets for purposes of determining eligibility for certain property tax exemptions and for public assistance. Rep. Burroughs of Bartlett; **JUD-H**.

HB 398 makes appropriations to the department of environmental services for the purpose of funding eligible wastewater projects under RSA 486. **NHMA policy**. Rep. Buco of Conway; **F-H**.

HB 404 deletes the frequency provision from the requirement that selectmen perambulate the lines between the towns. Rep. Harrington of Strafford; **M&CG**.

HB 406 requires that the public be permitted to observe the processing and counting of absentee ballots. Rep. Love of Derry; **EL**.

HB 410 establishes a committee to study the requirements of reporting by utility companies of information required for valuation of certain utility property for purposes of RSA 72. Rep. Merner of Lancaster; **ST&E**.

HB 411 establishes a commission to study the equalization rate used for the calculation of a property tax abatement. Rep. Merner of Lancaster; **M&CG**.

HB 412 makes appropriations to the department of environmental services for the purpose of funding public water system projects under RSA 486-A. **NHMA Policy**. Rep. Buco of Conway; **F-H**.

HB 413 establishes a solid waste working group on solid waste management planning and requires the department of environmental services to make certain rules regarding compost. Rep. Ebel of New London; **E&A**.

HB 415 requires municipal governing bodies to publish proposed budgets in full line item detail and make them available in CSV and PDF formats. Rep. Yakubovich of Hooksett; **M&CG**.

HB 419 extends the law on assault of a local election official in the discharge of his or her duties to include assault on a campaign worker. Rep. Prudhomme-O'Brien of Derry; **CJ&PS**.

HB 428 establishes procedures for apportioning electoral districts after the decennial census. Rep. Wolf of New London; **EL**.

HB 429 removes college or university identification cards from valid photo identification for obtaining a ballot. Rep. Baldasaro of Londonderry; **EL**.

HB 431 permits selectmen to supervise the performance of elected animal control officers and to remove an elected animal control officer from office for nonperformance of his or her duties. Rep. Wallace of Danville; **M&CG**.

HB 439 limits the authority of city councils to make bylaws and ordinances. Rep. Blasek of Merrimack; **M&CG**.

HB 446 establishes a committee to study the effects of recreational vehicles and vehicles used in a recreational activity on class V and class VI roads. Rep. Renzullo of Hudson; **RR&D**.

HB 448 establishes a committee to study and compare federal Occupational Safety and Health Act standards with the safety and health standards the New Hampshire department of labor uses for public sector employees. Rep. Sullivan of Grantham; **LABOR**.

HB 454 requires governing bodies to submit to the budget committee information necessary for the preparation of the annual budget in whatever detail the budget committee requires. Rep. Piemonte of Sandown; **M&CG**.

HB 459 prohibits a transfer of funds in an adopted budget to a general ledger line that contains zero dollars, creates a cause of action for violation of the prohibition, and establishes penalties. Rep. Silber of Gilford; **M&CG**.

HB 463 provides that the town clerk in the town of Gorham shall be appointed by the board of selectmen. Rep. Hatch of Gorham; **M&CG**.

HB 467 provides that land used to harbor non-native, non-domesticated animals shall not be eligible for current use assessment under RSA 79-A. Rep. Read of Newmarket; **M&CG**.

HB 471 requires police disciplinary hearings to be open to the public. Rep. Roy of Deerfield; **CJ&PS**.

HB 474 prohibits the use of surveillance by the state or a political subdivision to determine the location of a motor vehicle or the identity or location of a pedestrian on any public way. Rep. Erf of Weare; **JUD-H**.

HB 476 removes the requirement that election officials for an additional polling place in a town be domiciled in the district of the additional polling place. Rep. Gay of Salem; **EL**.

HB 478 requires Saint Gobain Performance Plastics to pay for treatment costs for certain wells in the Merrimack Village Water District. Rep. Mooney of Merrimack; **RR&D**.

HB 480 allows for public access to cast ballots. Rep. Edwards of Auburn; **EL**.

HB 481 establishes the office of the right-to-know ombudsman and an alternative process to resolve right-to-know complaints. Rep. DiLorenzo of Newmarket; **JUD-H**.

HB 484 prohibits a budget committee from providing a recommendation next to a warrant article unless the warrant article includes an appropriation or expenditure. Rep. Pauer of Brookline; **M&CG**.

HB 486 increases the income and property value criteria for claimants of the low and moderate income homeowners property tax relief against statewide education property taxes. Rep. Fellows of Holderness; **M&CG**.

HB 491 requires that ballots that include a federal office and on which a voter has cast more than the allowable number of votes for an office on the ballot be returned to the voter for possible correction before the ballot is counted. Rep. Porter of Hillsborough; **EL**.

HB 499 prohibits the state and municipalities from using facial recognition technology to engage in surveillance of an individual or group of individuals in a public space, with certain exceptions. Rep. McGuire of Epsom; **M&CG**.

HB 504 requires the department of revenue administration to receive the revenues from the state education property tax and deposit them in the education trust fund, revises the procedures for calculating state education grants, and requires property tax bills to inform taxpayers about the low and moderate income property tax relief program and how to apply for it. Rep. Ames of Jaffrey; **W&M-H**.

HB 505 eliminates statutory restrictions on the ability of voters to vote for multiple candidates for the same office. Rep. Abramson of Seabrook; **EL**.

HB 512 prohibits a municipality from requiring a housing code inspection as a condition of emergency housing assistance. Rep. Conley of Dover; **M&CG**.

HB 516 provides for no-excuse absentee voting and state and municipal elections. Rep. Rogers of Concord; **EL**.

HB 517 increases the state minimum to wage to \$12.75 per hour effective September 1, 2021, and by 75 cents each January 1 thereafter until 2025, after which it would be adjusted based on the consumer price index. Rep. Schultz of Concord; **LABOR**.

HB 523 requires a person who registers to vote without any identification to have his or her photo taken at the time of registration. Rep. Gay of Salem; **EL**.

HB 524 requires the secretary of state to conduct verification counts of random polling places for the purpose of determining the accuracy of machine-counted vote totals. Rep. Lang of Sanbornton; **EL**.

HB 530 allows an employer to share certain information with a law enforcement agency about a candidate for a position as a peace officer or other position within a law enforcement agency. Rep. Dolan of Londonderry; **CJ&PS**.

HB 531 eliminates the qualified voter affidavit and establishes provisional registration and voting procedures. Rep. Lynn of Windham; **EL**.

HB 534 allows municipalities to regulate the time place and manner of use of frozen public waters of 100 acres or less within their boundaries. Rep. Walz of Bow; **RR&D**.

HB 536 establishes a state death benefit for a municipal or state public works employee killed in the line of duty and eliminates the offset for workers' compensation benefits applicable to group I accidental death benefit annuities in the state retirement system. Rep. Schulz of Concord; **ED&A**.

HB 537 allows for the state primary election to be held on the first Tuesday in September when necessary to comply with federal requirements for sending ballots to UOCAVA voters 45 days before a general election. Rep. Wells of Warner; **EL**.

HB 538 modifies the definition of domicile for voting purposes and removes the requirement that the secretary of state conduct postelection voter registration inquiries. Rep. Horrigan of Durham; **EL**.

HB 545 allows out-of-state banks with a branch in New Hampshire to accept deposits and investments of public funds from the state treasurer and city, town, and school district treasurers. Rep. Laflamme of Berlin; **M&CG**.

HB 552 suspends the requirements for appraisal, assessment, and updating valuations under RSA 75 for the tax year beginning April 1, 2021. Rep. Cali-Pitts of Portsmouth; **M&CG**.

HB 554 clarifies when a voter gains or loses domicile for voting purposes. Rep. B. Griffin of Goffstown; **EL**.

HB 555 amends the absentee voter application form and absentee voting affidavits to make clear that certain persons confined to penal institutions may vote by absentee ballot. Rep. Andrew Bouldin of Manchester; **EL**.

HB 566 requires that sealed minutes of nonpublic sessions under RSA 91-A:3, II(d) be unsealed after one year unless a majority of the public body votes that they remain sealed. Rep. Yokela of Fremont; **JUD-H**.

HB 571 repeals the prohibition against OHRV travel on Hoit Road Marsh in the city of Concord. Rep. Walsh of Hooksett; **RR&D**.

HB 573 provides that certain commercial spaces shall not require a variance or conditional use permit for a "change of category of use" under a zoning ordinance if certain criteria are met. Rep. Janigian of Salem; **M&CG**.

HB 574 provides that certain commercial spaces shall not require a variance or conditional use permit for a "change of category of use" under a zoning ordinance if certain criteria are met. Rep. Janigian of Salem; **M&CG**.

New Senate Bills

SB 30 authorizes the towns of Northfield and Tilton to change their boundary line by vote of their town meetings. Sen. Giuda of Warren; **EL&MA**.

SB 31 modifies the actions required to be taken by supervisors of the checklist upon adding applicants to the checklist, requires the secretary of state to provide certain voter information to chief elections officers in other states, and modifies the absentee ballot affidavit. Sen. Gray of Rochester; **EL&MA**.

SB 39 exempts records contained in personnel files, internal investigations, and pre-employment background investigations of law enforcement officer from disclosure under the right-to-know law. Sen. Carson of Londonderry; **JUD-S**.

SB 42 prohibits a public official from providing services valued at more than \$200 to the state or political subdivision in which he or she holds office unless the contract is obtained through open competitive bidding. Sen. Reagan of Deerfield; **ED&A-S**.

SB 46 permits cities and towns to use electronic poll books for voter registration and check-in. **NHMA Policy**. Sen. Perkins Kwoka of Portsmouth; **EL&MA**.

SB 47 allows for no-excuse absentee registration and voting, and partial processing of absentee ballots prior to election day. **NHMA Policy (partial processing)**. Sen. Soucy of Manchester; **EL&MA**.

| 2021 NHMA UPCOMING MEMBER <u>VIRTUAL</u> EVENTS | |
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| Jan. 20 | Webinar: Municipal State Aid & Revenue Sharing (12:00 – 1:00) |
| Jan. 21 | Right-to-Know Law for Law Enforcement (9:00 – 12:00) |
| Jan. 27 | Webinar: 2021 Legislative Preview (12:00 – 1:00) – Rescheduled from Jan. 6 |
| Feb. 6 | 2021 Town & School Moderators Workshop (Traditional) (9:00 – 2:00) |
| Please visit www.nhmunicipal.org for the most up-to-date information regarding our upcoming virtual events. | |
| For more information, please call NHMA’s Workshop registration line: (603) 230-3350. | |