

# LEGISLATIVE BULLETIN

## Funded and Not Forgotten: 11 Wastewater Projects

On Monday, Governor Sununu [signed HB 398](#), making an appropriation to the Department of Environmental Services for funding the 11 forgotten, eligible wastewater projects, into law. **HB 398** was one of the first bills that we mentioned [this year](#), and we want to thank our members for their advocacy on this important issue. We expect that **Hooksett, Dover, Concord, Nashua, Exeter, Newport, Littleton, and Salem** will be hearing from the Department of Environmental Services regarding that funding shortly.

## STRs Headed for Interim Study

Also on Monday, the **House Municipal and County Government Committee** voted 17-2 to recommend [SB 249](#) for Interim Study. Thank you to all the members who spoke to your legislators about this issue over the last several months. We would be surprised if the House did not follow the committee recommendation as we have heard that there is broad recognition among legislators that this divisive issue should continue to be decided at the local level. We expect that the House will vote on **SB 249** on May 4. *Please tell your representatives to support the committee recommendation.*

## Proposed State Aid and Revenue Sharing for Municipalities

On Wednesday, the **Senate Executive Departments and Administration Committee** voted 4-1 to recommend [HB 1417](#), which would restore a portion of the state retirement system contribution, as Ought to Pass. This **NHMA policy bill** would restore a portion of the state contribution beginning July 1, 2023, at 7.5 percent of the employer’s share of the costs for teachers, police, and firefighters. Over the last decade,

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the state has downshifted 100 percent of the employer contribution cost to the municipalities. Prior to 2012, the state contributed up to 35 percent toward these costs. Although a 7.5 percent contribution, estimated to be \$27.7 million in FY 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 local tax relief. NHMA supports **HB 1417** and the reinstatement of a consistent state contribution to municipalities that restores the promise that was broken in 2012. This bill would provide a consistent contribution moving forward and would be funded in future years through the state budget process.

A second bill, **HB 1221**, was amended in the Senate to provide a one-time payment equaling 7.5 percent of the retirement costs for teachers, police, and firefighters. Yesterday, the Senate voted unanimously to recommend **HB 1221** as Ought to Pass. This bill would have the same estimated fiscal impact as **HB 1417** in fiscal year 2023 but would not restore the contribution in future years. While the one-time payment from surplus in **HB 1221** would result in immediate tax relief, the fiscal stability provided by **HB 1417** would have lasting effects and reduce the local tax burden annually.

Two other bills relative to state aid and revenue sharing have also seen recent legislative action. Yesterday, the House voted **SB 401** as Ought to Pass with bipartisan support. Using state general fund surplus generated in fiscal year 2022, **SB 401**, as amended, would appropriate \$36 million in municipal bridge aid, \$30 million in municipal highway block grants, and \$1 million toward the body worn and dashboard camera fund. We wrote about this bill in detail in [Bulletin #15](#).

Second, **SB 420**, which would establish "extraordinary need grants" for schools within the education funding adequacy formula, also had bipartisan support from the House. This bill would provide \$25 million in property tax relief to towns with a low property tax base over the next two years. The municipalities that are anticipated to receive funds, along with the estimated allocation, are listed in the fiscal note of the bill.

## Senate Election Law & Municipal Affairs Executive Session

On **Monday, beginning at 2:00 p.m.**, the **Senate Election Law & Municipal Affairs Committee** will hold an executive session with the intent of making recommendations on the remaining bills in their committee. One bill that we are still waiting on a recommendation on is **HB 1194**, which we opposed and wrote about prior to the Senate hearing in [Bulletin #16](#). ***We urge members to contact the Senate Election Law & Municipal Affairs Committee to express their opposition to this bill.***

On the good news front, we saw the committee make a couple of very good recommendations this week on a couple of very concerning bills. **HB 1268**, limiting the authority for city council bylaws and ordinances, was recommended for Interim Study. Meanwhile, **HB 1272**, which would have limited the authority of local health officers in making bylaws or ordinances relating to public health matters, was recommended as Inexpedient to Legislate. As the committee report noted, "the unintended consequence of this legislation is that it would limit municipalities' ability to protect local health and safety when unfamiliar circumstances arise. Additionally, all cities and towns in New Hampshire are not one size fits all, each have needs that are specific and the language in this bill disregards that." Both bills are scheduled for a vote on Thursday. ***Thank you to all our members who testified in opposition to these two bills.***

## House Municipal & County Government Executive Session

On **Wednesday**, beginning at 10:00 a.m., the **House Municipal & County Government Committee** will hold an executive session on three bills of municipal interest that they didn't get to this week. Those are:

- **SB 329**, establishing a commission to study barriers to housing development in New Hampshire, including workforce and middle-income housing.
- **SB 334**, establishing a committee to study property blight in New Hampshire cities and towns.
- **SB 400**, relative to training and procedures for zoning and planning boards and relative to financial investments and incentives for affordable housing development.

Members should be aware that many committees are granting considerable flexibility to amendments, including considering amendments brought forward by original bill sponsors as well as those proposed by committee members. Members who have not yet expressed their opinion on the bills being voted on by the committee on Monday should contact members of the [Municipal & County Government Committee](#) before the vote occurs to express their opinion.

## Religious Land Use Bill Preempts Zoning, Creates Ambiguities

On **Thursday**, the **Senate** will vote on **HB 1021**, prohibiting certain zoning ordinance or site plan review regulation of land or structures primarily used for religious purposes. A committee amendment resolves two issues brought up by the members of the committee during the hearing on the bill, but the bill is still problematic.

First, the amendment adds the term “primarily” in relation to the use. As such, the primary use must be religious for the language of the bill to apply. Second, the amendment removes the terms “non-discretionary” and “narrow,” unclear terms that were used to describe the types of regulations municipalities could subject religious land uses to. Municipalities would now be able to subject religious land use “to objective and definite regulations concerning the height of structures, yard sizes, lot area, setbacks, open space, and building coverage requirements as long as said requirements are applicable regardless of the religious or non-religious nature of the use of the property and do not substantially burden religious exercise.”

However, it is still not clear what “objective and definite regulations” are. Even more concerning, this appears to contradict the sentence before it, which prohibits a zoning ordinance that prohibits, **regulates**, or restricts land or structures used primarily for religious purposes.

NHMA opposes **HB 1021** because it limits municipal control over zoning and land use regulation. Additionally, we are concerned that litigation will be necessary to clarify the contours of the law. There is no existing law on how to determine what is “primarily” a “religious use”; and while some instances will be clear – such as the building of a church, synagogue, or mosque – there will be other instances where the use may not be so clear. No examples could be given of actual problematic local regulations or issues that this legislation needs to address.

**Please contact your Senator and ask him or her to vote *against* the committee recommendation of Ought to Pass and *for* a tabling or Inexpedient to Legislate motion.**

## NHMA's Floor Action Recommendations for Senate Session on Thursday, April 28

Bill Number	Description	NHMA Position	Committee Recommendation	Vote
<a href="#">HB 1021</a>	prohibits certain zoning ordinance or site plan review regulation of land or structures primarily used for religious purposes.	Oppose	OTP-A	NAY
<a href="#">HB 1070</a>	requires the default budget in an official ballot referendum (SB 2) town or district to be reduced by an amount equal to any reduction to an appropriation in the proposed operating budget	Oppose	ITL	YEA
<a href="#">HB 1268</a>	eliminates the authority of city councils to make bylaws and ordinances for the well-being of the city.	Oppose	Interim study	YEA
<a href="#">HB 1272</a>	limits the authority of local health officers in making bylaws or ordinances relating to public health matters.	Oppose	ITL	YEA
<a href="#">HB 1417-FN-L</a>	provides that the state shall pay 7.5 percent of contributions of retirement system employers other than the state for group I teachers and group II members.	Support	OTP	YEA

### HOUSE CALENDAR

There are no hearings in the House on bills of municipal interest.

### SENATE CALENDAR

#### MONDAY, APRIL 25, 2022

#### ENERGY AND NATURAL RESOURCES, Room 103, SH

9:40 a.m.      **HB 1148**, relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy.

#### TUESDAY, APRIL 26, 2022

#### ENERGY AND NATURAL RESOURCES, Room 103, SH

9:10 a.m.      **HB 1049**, establishing a committee to study landfill siting criteria and methods for reducing pressure on landfill capacity

9:20 a.m.      **HB 1293**, relative to the design of sewage or waste disposal systems for a person's own domicile.

## HOUSE FLOOR ACTION

Thursday, April 21, 2022

**SB 240**, apportioning state senate districts. **Passed.**

**SB 241**, apportioning executive council districts. **Passed.**

**SB 242**, relative to the disqualification of certain persons from performing the duties of an election official. **Passed with Amendment.**

**SB 267-FN-A**, establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food. **Passed with Amendment.**

**SB 275**, relative to the opioid abatement trust fund. **Passed.**

**SB 328**, relative to the date of the state primary election. **Inexpedient to Legislate.**

**SB 363-FN**, relative to service credit for certain group II retirement eligibility. **Passed.**

**SB 365**, relative to absentee ballot outer envelopes. **Inexpedient to Legislate.**

**SB 366-FN**, requiring an audit of ballots cast in the 2022 primary and general election. **Passed with Amendment.**

**SB 376-FN**, (New Title) relative to creating a board to review police incidents involving citizens affected by mental health issues. **Passed with Amendment.**

**SB 379-FN**, (New Title) establishing the solid waste management fund and grant program. **Passed.**

**SB 380-FN**, relative to solid waste rules and landfill containment tests. **Passed.**

**SB 398**, relative to building code and fire code enforcement. **Passed with Amendment.**

**SB 401-FN**, making appropriations to the department of transportation for local highway aid and to the body-worn and dashboard camera fund. **Passed with Amendment.**

**SB 405-FN**, relative to fines and penalties for election law violations. **Passed with Amendment.**

**SB 418-FN**, relative to verification of voter affidavits. **Passed with Amendment.**

**SB 420-FN**, establishing an extraordinary need grant for schools and relative to additional adequate education grant amounts for pupils receiving special education services. **Passed with Amendment.**

**SB 425-FN**, relative to the establishment of an election information portal. **Inexpedient to Legislate.**

**SB 427-FN**, modifying the absentee voter registration process, absentee ballot application, and absentee ballot voting process. **Inexpedient to Legislate.**

**SB 438-FN-LOCAL**, (New Title) establishing state procurement policies intended to promote the use of American materials. **Passed with Amendment.**

**SB 443-FN**, relative to municipal authority regarding the state building code. **Passed with Amendment.**

## **SENATE FLOOR ACTION**

Thursday, April 21, 2022

**HB 410**, establishing a commission to study the assessing of power generation and utility transmission **Passed with Amendment.**

**HB 481-FN-A**, establishing the office of the right-to-know ombudsman and making an appropriation therefor. **Passed with Amendment.**

**HB 1009**, requiring the date a person registers to vote to be included with other voter information. **Interim Study.**

**HB 1036**, relative to nonpublic meetings concerning public employees. **Inexpedient to Legislate.**

**HB 1069**, relative to the election of village district commissioners. **Passed.**

**HB 1073**, modifying attorney exemptions under RSA 91-A. **Inexpedient to Legislate.**

**HB 1081**, relative to the dissolution of a village district. **Interim Study.**

**HB 1134**, establishing a commission to study proper labeling and disposal of disposable wipes. **Passed with Amendment.**

**HB 1221**, relative to the rate of the business profits tax, and relative to payment by the state to municipalities of an amount equal to a portion of retirement system contributions of political subdivisions. **Passed with Amendment.**

**HB 1277**, relative to the reporting of cybersecurity incidents. **Passed with Amendment.**

**HB 1302-FN**, relative to the weighing of vehicles. **Inexpedient to Legislate.**

**HB 1339**, relative to the Winnepesaukee River basin control replacement fund. **Passed with Amendment.**

**HB 1420-FN**, prohibiting the issuance of new landfill permits until the state's solid waste plan is updated. **Passed with Amendment.**

**HB 1459-FN**, relative to recycling solar panels. **Inexpedient to Legislate.**

**HB 1491-FN-L**, relative to natural gas transmission pipeline safety. **Passed.**

**HB 1495-FN**, prohibiting the state from requiring businesses to require vaccine or documentation related to vaccination or immunity status. **Passed with Amendment.**

**HB 1497-FN**, relative to optional allowances in the retirement system. **Passed.**

**HB 1546-FN**, defining PFAS and enabling the commissioner of the department of environmental services to adopt rules relative to airborne PFAS in certain circumstances. **Passed with Amendment.**

**HB 1579**, relative to landowner liability on land authorized for outdoor recreational activities. **Passed with Amendment.**

**HB 1681-FN**, relative to the state building code and the state fire code. **Passed.**

<b>2022 NHMA UPCOMING MEMBER EVENTS</b>	
Apr. 28	2022 Right-to-Know Law Workshop (Hybrid) – 9:00 – 1:00
May 5	2022 A Hard Road to Travel Workshop (Hybrid) – 9:00 – 12:30
May 17	2022 Local Officials Workshop (Virtual) – 9:00 – 4:00
May 18	<b>Webinar:</b> Investigations 101 – 12:00 – 1:00
Please visit <a href="http://www.nhmunicipal.org">www.nhmunicipal.org</a> for the most up-to-date information regarding our upcoming 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.	