

# LEGISLATIVE BULLETIN

## Updates from the Week

It was another busy week with hearings on a number of important bills. Hearings on a number of important bills occurred this week, including [HB 51](#), the anti-lobbying bill; [HB 647](#), the governmental immunity repeal bill; an entire day on retirement bills (see the next article for more on those bills); and a number of other priority bills. NHMA spent a considerable amount of time opposing legislation that, if passed, would increase costs for municipalities, but not provide additional state funding or alternative sources of revenue, meaning that municipalities would be required to look to taxpayers to foot the bill.

We know that many of our members have been just as busy contacting committee members and joining us to testify in hearings, and we wanted to extend our thanks to those of you who did so. If you are worried that you missed the boat, don't. It is still possible to contact committees via email to express your opinion on legislation that was already heard, and last week's [Bulletin](#) discussed a few bills that you may want to consider contacting committees about if you haven't done so already.

With a couple of busy weeks under our belt, next week will see a number of executive sessions occur. Please take a look at the hearing schedule below or at our [bill tracker](#) for updates on when bills of interest will be voted on by committees.

Of particular interest are the following bills that will be taken up in executive session next week:

### House Judiciary, LOB 206-208 - Monday, January 30 at 1:00 p.m.

**HB 164**, relative to prohibiting towns from criminalizing the right to peacefully and orderly assemble.

**HB 63**, relative to religious use of land and structures.

**HB 256**, prohibiting cities and towns from discriminating in the use of public facilities.

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### Inside this issue:

Retirement Contribution	2
Tourism Fee	2
ARPA Funds	3
New Bills	3
Hearing Schedule	3
NHMA Events	4

### GOVERNMENT AFFAIRS CONTACT INFORMATION

**Margaret M.L. Byrnes**  
Executive Director

**Natch Greyes**  
Government Affairs Counsel

**Katherine Heck**  
Government Finance Advisor

**Jonathan Cowal**  
Municipal Services Counsel

**Timothy W. Fortier**  
Communications Coordinator

**Pam Valley**  
Administrative Assistant



25 Triangle Park Drive  
Concord NH 03301  
Tel: 603.224.7447  
EM: [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org)  
Website: [www.nhmunicipal.org](http://www.nhmunicipal.org)

## House Judiciary, LOB 206-208 - Wednesday, February 1 at 9:00 a.m.

**HB 171**, relative to bodily injury against governmental units.

**HB 314**, relative to the expectation of privacy in the collection and use of personal information.

**HB 149**, relative to the handling of requests made under the right-to-know law.

**HB 289**, relative to consultation with legal counsel under the right-to-know law.

**HB 307**, relative to attorney's fees in actions under the right-to-know law.

**HB 308**, relative to a quorum for meetings open to the public to include remote presence.

**HB 321**, relative to minutes from nonpublic sessions under the right-to-know law.

**HB 347**, establishing a superior court land use review docket.

## Two Bills Would Restore the Retirement Contribution

On **Tuesday, January 31**, at **1:55 p.m.**, in **State House 103**, the [Senate Finance Committee](#) will hold a public hearing on **SB 114**, which would restore a 7.5% state share of employer costs for police, teachers, and firefighters in the current defined benefit plan. **HB 50**, a companion bill with similar language, has been filed in the House. NHMA supports restoration of up to 35% of the state's share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan, with the goal being a 35% re-instatement of the state contribution. We encourage municipal officials to [sign in support](#); submit written testimony to the committee [by email](#); or, if time permits, come testify about the effect this legislation would have on your local budget.

## A Local Option "Tourism" Fee

On **Wednesday, February 1**, at **10:45 a.m.** in **State House Room 100**, the [Senate Ways and Means Committee](#) will hear testimony on **SB 262**, enabling a local option for municipalities to collect an occupancy fee from room rentals. The purpose of this option is to allow municipalities to pay for the increased cost of municipal services associated with the increase in tourism and transient traffic.

This is how the local option fee would work:

- The legislative body would vote to allow the fee, specifying the number of consecutive days the occupancy fee may apply, with a 184-day maximum.
- The legislative body would also determine the amount of the fee. The bill allows a daily charge of up to \$2 per occupancy per 24-hour period, or as a percentage of the price of the occupancy, provided that the rate will not exceed \$2 per occupancy per 24-hour period.
- The revenues collected from this fee would be deposited in a capital reserve fund, tourism support fund, revolving fund, or other special revenue fund, authorized by the municipality.
- Funds received from this tax would not be considered part of the general fund accumulated surplus and can only be used for the purpose in this bill.

As a local option, this bill would allow municipalities that see drastic increases in demands on municipal services due to tourism to offset the costs associated with providing those services to more than just municipal residents. From additional fire and police services to overuse of municipal parks and recreational facilities, this bill would create an additional revenue stream for towns that experience costs associated with the local tourism industry.

Please contact members of the [Senate Ways and Means Committee](#) (click on "Email Entire Committee") and urge them to *support this bill*.

## ARPA Funds, the Municipal Budget Process, and State Aid

As towns and cities are developing budgets and the annual meeting process is underway, now might be the time for local governments to consider how they will incur expenses for their remaining State and Local Fiscal Recovery Funds (SLFRF) from the American Rescue Plan Act (ARPA). For municipalities on a July 1 - June 30 budgeting year, this upcoming budget cycle will be the last full fiscal year to “incur” expenses with these dollars.

The U.S. Department of Treasury’s [Final Rule](#) requires that every dollar must be “incurred” or “obligated” by December 31, 2024. As stated in the final rule, “obligation” means “an order placed for property and services and entering into contracts, subawards, and similar transactions that require payment.” See 31 CFR 35.3. ([Treasury SLFRF FAQs 13.17](#)). This deadline, established by the legislation, places an expiration date on how SLFRF funds will be used within your municipality. If your municipality has not developed a plan to incur an expense with all your SLFRF funds, we encourage you to begin the process to avoid losing the opportunity to expend these allocated dollars.

How does this relate to the state budget? We continue to hear from our members that they want to use these funds for large capital expenses associated infrastructure projects, but that the SLFRF funds are simply not enough to cover the full cost of these projects. It is important to remember that in the case of SLFRF funds, they *can* be used as a match for many state and federal grants and in combination with other funding sources as the Final Rule expanded eligible uses. As the state develops the biennial budget, funding has historically been included for municipal loans and grants; water and wastewater projects; highway block grant funding for local Class IV and V roads repair and maintenance; the red-listed bridge program; and loan funding for PFAS mitigation, to highlight a few examples.

It is through the state’s partnership with its political subdivisions that we will be able to maximize the use of these funds and move forward much needed investments in New Hampshire cities and towns that these funds were designed to provide. This makes it even more crucial for local officials to reach out and talk to your state senators and representatives and advocate for the importance of [State Aid to Municipalities](#).

### New Bills

Please [click here](#) to find a list of newly published bills that NHMA is tracking. We will be publishing a table every week as new bills are published this year. Please note that publication of bills is occurring about two weeks later this session than in prior sessions.

### Hearing Schedule

Please [click here](#) to find a list of hearings next week on bills that NHMA is tracking. Please note that the linked PDF only covers hearings scheduled for the next week. For the most up-to-date information on when bills are scheduled for a hearing, please use our [live bill tracker](#).

## 2023 NHMA UPCOMING MEMBER EVENTS

Feb. 2	2023 Regional Legislative Preview in Sugar Hill – 6:00 – 7:30
Feb. 4	2023 Town & School Moderators (Traditional Town Meeting) Workshop ( <b>hybrid</b> ) – 9:00 – 1:30
Feb. 8	<b>Webinar:</b> 10 Steps to Successful Succession Planning – 12:00 – 1:00
Feb. 9	Right-to-Know Law Workshop for Law Enforcement (hybrid) 9:00 – 12:00
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& Training tab to view the calendar.	
For more information, please call NHMA’s Workshop registration line: (603) 230-3350.	