

LEGISLATIVE BULLETIN

Legislative Bulletin 14

2024 Session

April 5, 2024



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April Snow & A Total Eclipse

As another startling reminder that perhaps groundhogs cannot, indeed, predict the end of winter, New Hampshire is digging out—and powering up—after an early April snowstorm yesterday. We know that for many of you, this has been another round of trees and debris to clean up, along with power outages. We want to thank our public works, road crews, and all the other local and state officials who have been working around the clock to keep New Hampshire running.

As a result of the storm, Thursday’s legislative hearings were cancelled, and the Thursday Senate session was rescheduled to today (Friday). But, despite the storm, NHMA members braved the journey from all parts of the state to Concord this morning to officially kick off the 2025-2026 Legislative Policy Process with Organization Day. The committees will meet this month and next month to prepare recommended policies and principles, which will be voted on by the membership at the Legislative Policy Conference. **There is still time for members to submit a policy proposal, but you must do so by April 15 using [this form](#).**

Of course, right on the back of yesterday’s snowstorm will be the long-anticipated solar eclipse, bringing an onslaught of visitors to our great state—particularly to Lancaster, Berlin, and farther north to experience the path of totality. Although exciting, this

historic event will once again ask so much of our city and town officials as local populations swell with excited viewers. Thank you for all you do for New Hampshire, and we hope you will all get to enjoy this historic event wherever you are, as [the rest of the state](#) will experience significant coverage as well.

Don't forget your glasses!

It's Crossover Next Week!

It's officially Crossover at the end of next week, but that hasn't stopped either the House or Senate from hearing the other body's bills. In fact, some committees have already heard about half of the bills sent over by the other body - and they are not expecting to receive many more after next week!

It is clear from hallway discussions that legislators are eager to move on to campaigning, and with a number of retirements and incumbents pursuing different offices, it's easy to see why.

We expect that hearings will ramp up slightly over the next couple of weeks before legislators begin concentrating on final negotiations before the end of the session.

Municipal Official Testimony is Critical on Retirement Bills

On **Tuesday, April 9**, at **2:10 p.m.**, the [Senate Finance Committee](#) will hold a public hearing on [HB 1279](#) in **State House Room 103**. **HB 1279** would permanently reinstate a 7.5 percent state contribution toward the employer's cost of the New Hampshire Retirement System (NHRS) contribution for teachers, police, and firefighters beginning on July 1, 2024. The fiscal note prepared by the New Hampshire Retirement System (NHRS) indicates that enactment of this bill would reduce local government (municipal, school, county and village district) retirement costs by an estimated \$27.13 million in fiscal year 2025, \$27.78 million in fiscal year 2026, and \$28.46 in fiscal year 2027.

The state contributed 35% of these costs for decades until the legislature repealed the cost-sharing provision in 2012. Local officials across New Hampshire have said that the repeal of the 35% contribution was the single largest financial hit they have suffered at the hands of the state. The partial restoration of a 7.5 percent state contribution provided by **HB 1279** is a huge step in the right direction for easing some of the financial pain felt at the local level since the contribution was eliminated. ***We urge every town and city to contact their [senator](#) and urge them to support this bill or register a position of support online by following [Senate online testimony instructions](#).***

Local Officials: Speak Out Against Zoning Mandates

On **Tuesday, April 9**, starting at **9:40 a.m. in LOB Room 103**, the **Senate Election Law and Municipal Affairs Committee** will hear testimony on two important zoning-related bills: **HB 1215** and **HB 1399**.

As we mentioned [last week](#), [HB 1215](#), as amended by the House, significantly alters RSA 674:39, by extending the time period a subdivision plat or site plan is exempt from subsequent changes in subdivision regulations, site plan regulations, impact fee ordinances, and zoning ordinances. Currently, recorded plats and plans are exempt for a period of five years, as long as “active and substantial development” began within 24 months of the approval. The bill would change this period to ten years, and extend the ‘active and substantial development’ period to five years.

Additionally, **HB 1215** would also alter the local appeal process for building and fire codes when the zoning board of adjustment serves as the local building code of appeals. When the appeal is of a locally adopted amendment to either the building or fire code, the appeal would stay with the zoning board of adjustment. However, when the appeal is of the state code – i.e. where there is no local amendment – the appeal would go to the state building code board of appeals. (Municipalities, such as Manchester, with a separate local building code board of appeals would continue to hear appeals of the state code.)

[HB 1399](#) is the more concerning of the two bills. It is inaccurately titled “*allowing municipalities to permit two residential units in certain single family residential zones*,” but would actually *require* municipalities to allow duplexes. The bill creates a formula that requires that municipalities allow duplexes for all lots that are two acres or less in size, and for at least 50 percent of all lots in a municipality zoned for single-family residences where a “proposed development” meets certain criteria.

We understand that the ideas proposed by these bills might be good solutions for *some* municipalities. However, that will not be true for *all* municipalities, as local solutions should be carefully crafted, considered, and implemented with the input of locally elected and appointed leaders and their constituents. For this reason, we oppose the one-size-fits all mandates that would be created by these bills.

Right-to-Know Bill Hearing

On **Tuesday, April 9**, beginning at **1:45 p.m. in State House 100**, the **Senate Judiciary Committee** will hear testimony on the two Right-to-Know bills remaining to be heard: [HB 1002](#), the local option records fee bill, and [HB 1069](#), the omnibus electronic requests and responses bill.

After much negotiation, stakeholders including the ACLU, NH Press Association, Right to Know NH, and legislators from the Judiciary Committee reached an agreement on an

amendment to **HB 1002**, which was adopted by the House several weeks ago. Subsequently, the bill was sent to the Senate.

HB 1002, as amended by the House, represents a good compromise that encourages greater cooperation among requestors and the government and provides for a local option per ‘electronic communication’ charge. We anticipate that stakeholders will also be present to testify in support of the compromise.

HB 1069 is a different matter. This complex bill has three component parts:

- It changes the term “citizen” to “person” throughout RSA 91-A, the Right-to-Know Law.
- It requires that New Hampshire’s governments accept emailed and other electronic requests for records (without requiring that the requestor appear in person).
- It requires that New Hampshire’s governments send copies of records electronically, if they have the “technological capability” of doing so.

The problem, of course, is that anyone anywhere could request records from municipal governments via an emailed request, and the municipal government would be obliged to send those records electronically to that person. That makes the statute ripe for abuse because it does not provide an option to limit – or even incentivize limiting – requests for the wide variety of records held by municipalities that would not see any kind of fee. Thus, municipal employees – paid for by local taxpayers – would be foisted into working for free for anyone who was creative enough to employ them to send records.

We encourage local officials to come to Concord to testify in support of HB 1002 and opposition to HB 1069; to email the [Senate Judiciary Committee](#) in support of HB 1002 and opposition to HB 1069; or, if you wish, to email your written testimony to governmentaffairs@nhmunicipal.org, so that NHMA can deliver to the committee at the hearing.

Calendar Changes

If you are a long-time reader of the *Bulletin*, you will have noticed that the weekly schedule of hearings that we have long published has, increasingly, been out of date by the beginning of the week for which it is produced. That’s because the shift in both the House and Senate to digital calendars has made it easier for committees to reschedule when there is bad weather, when there are absences, or when issues with bills just haven’t quite been worked out. As such, we are now going to link to the [House Digital Calendar](#) and [Senate Digital Calendar](#) instead of producing our own hearing schedule. For those of you with a particular interest in a particular bill or set of bills, please use the ‘subscribe’ feature on [FastDemocracy](#) to get email updates when those bills are scheduled.

Bill Hearings Schedule
NHMA Events Calendar

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