

New Hampshire Municipal Association

THE SERVICE AND ACTION ARM OF NEW HAMPSHIRE MUNICIPALITIES

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Data Center Bill Tabled

SB 439, a bill limiting **how cities and towns can regulate data centers**, was **overwhelmingly tabled** by the House on Thursday despite coming out of committee with an ought-to-pass as amended recommendation. Under the proposal, data centers would be allowed “by right” in commercial and industrial zones and municipalities could not impose rules that are more restrictive than those applied to other uses in the same

zoning district, despite the outside infrastructure and environmental impacts associated with massive data centers.

NHMA believes the location and regulation of data centers is ultimately a local issue that should be debated and decided by those most affected. NHMA partnered with 10 environmental and conservation organizations to **oppose** this bill, arguing that opening the door to data centers will have long-term impacts on New Hampshire that deserve robust analysis and bipartisan buy-in.

Costly Local Liability Bill Tabled, But ...

HB 1064, a bill **opposed** by NHMA that **eliminates municipal immunity regarding negligence that results in personal injury or property damage**, was **tabled** by the Senate on Thursday. The bad news is that the House amended the language of the bill (along with another unrelated amendment) to **SB 409**, which updated the penalties for disobeying a police officer. **SB 409** does not appear to be a top priority for the Senate, but to be safe, please **contact your local Senator** and **ask him or her to support non-concurrence** with the amended bill.

For more background on why **HB 1064** would raise local property taxes, see [last week's Bulletin](#).

More Late Amendments to Oppose

SB 409 (see above) wasn't the only bill that the House amended Thursday to add unrelated language from bills that the Senate previously rejected or amended. **Please reach out to your local Senator** and **ask him or her to support non-concurrence with these amended bills**:

- **SB 557**: The text of **HB 1131** was added to **SB 557**, a bill making synthetic and semisynthetic kratom illegal to prepare, distribute, manufacture, sell, possess or advertise. The new amendment, **opposed** by NHMA, requires municipalities to place the question for adopting the official ballot referendum form of meeting (usually called "SB 2") on the official ballot for electing officers. Currently, under the traditional form of town meeting, the question would be placed on the warrant and debated like any other matter of business to be acted upon. The current process provides a vital forum for open debate on the question, which is especially valuable when voters are determining a municipality's form of government. **Note**: The Senate already amended **HB 1131** to keep the question on the warrant, but place it as the first item.

- **SB 643:** The text of **HB 1505** was added to **SB 643**, a proposal **already opposed** by NHMA that requires municipalities to hold a public hearing and conduct a roll call vote when seeking to override a tax or spending cap--and requires cities and charter towns to include the roll call vote on the override on the property tax bill. The new amendment, which NHMA also **opposes**, requires municipalities to submit documentation to the department of revenue administration proving they are in compliance with local budget and tax caps.
- **SB 653:** The text of **HB 1526** was added to **SB 653**, which deals with county government. The new amendment, **opposed** by NHMA, overhauls the process for adopting a local budget committee in RSA 32:14 and other statutes and repeals and replaces the straightforward language in current law, making it so the question wouldn't be a warrant article taken up at the business session, but would be acted on with no context in the voting booth.

Committees of Conference Are Coming

The House and Senate must determine by **Thursday, May 21**, if they will reject (“non-concur”) or accept (“concur”) the amendments made by the other chamber and, if not, whether they would agree (“accede”) to a committee of conference.

Several committees of conference have already been formed, but the final lineup of committees is a week away. Those committees must complete their work by **Thursday, May 28**. The House and Senate must take final action on the committee of conference reports by **Thursday, June 4**.

The General Court website has a page listing committees of conference that you can [view here](#). Please understand that meetings are often adjourned and rescheduled on short notice, so the website will not always have the most current information.

Potential Breakthrough on Landfill Siting

The Senate on Thursday passed **HB 707** as amended, which—if the House concurs—would represent the long sought-after compromise on future landfill siting that has eluded previous legislatures. The bill, **supported** by NHMA, would establish a seven-member solid waste site evaluation committee to review applications for new landfill capacity in New Hampshire, following a model similar to the existing state process for energy facilities.

The proposal, brokered by the Senator from District 17, comes after several landfill-related bills failed in recent years and is intended to create a more structured, statewide siting process. Under the bill, the state Department of Environmental Services (DES)

would retain its current authority to determine need, capacity, and compliance, while the new committee would evaluate applications on their merits and approve or deny projects with conditions. The bill underscores a “compelling state interest” in maintaining adequate and reasonably priced waste disposal capacity, however **HB 707** does not specifically preempt local zoning ordinances, as many previous legislative proposals had done. It also does not override existing legal agreements between towns and private entities.

Risk Pool Update, Part XIV

The House and Senate passed complimentary risk pool bills Thursday, although the House must still accede to a Senate amendment to its bill or request a committee of conference. [SB 661](#) and [HB 1491](#) passed on consent, meaning there was broad agreement among legislators and other stakeholders that these bills can successfully address the yearlong stalemate regarding the regulation of risk pools.

Pools are created by political subdivisions to reduce risks and associated insurance costs. Across the country, two primary types of risk pools exist: assessable and non-assessable. The Association of Governmental Risk Pools (AGRIP) recognizes both models. In New Hampshire, risk pools are currently regulated by the Secretary of State (SOS).

SB 661 enshrines in statute the SOS’ preferred regulatory model: assessable pools with lower reserve requirements. **HB 1491** creates a pathway for a pool that wants to remain non-assessable to be regulated by the state Department of Insurance.

If both bills become law, two types of risk pools could continue to exist in New Hampshire and municipalities would be able to choose which type of pool they prefer—or choose to participate in neither. Either way, both models will be properly regulated by an appropriate entity.

Oppose Concurrence on Zoning Bills

NHMA encourages members to **contact their [local House delegation](#) and members of the [House Housing Committee](#) and request that the House non-concur with the Senate amendments on two bills** dealing with multi-family residential development on land zoned to permit commercial uses.

[HB 1010](#), was **passed** with amendment on Thursday. The bill is now **opposed** by NHMA because of the amendment. The bill that came out of the House made significant positive updates to the universal zoning mandate passed last year. However, the Senate amendment removes key provisions from the bill and **expands the current universal mixed-use zoning mandate**. Further, it:

- **Adds language requiring** municipalities to permit residential development in commercial zones by right, rather than allowing municipalities to require a conditional use permit or special exception approval.
- **Removes language clarifying** how legal nonconforming structures could be converted into residential uses, and language ensuring that all state-mandated residential development in commercial zones remains subject to local site plan review regulations.

HB 1588 was passed with amendment on May 7. The amended bill has become **one of the most anti-local control bills of the session**. The bill would:

- Effectively **exempt** all proposed residential development on land zoned to permit commercial uses from all zoning ordinances except those ordinances regulating frontage, setbacks, and height.
- **Prohibit** municipalities from adopting zoning ordinances for residential development in commercial zones that differ from those for commercial development.
- **Mandate** that municipalities reimburse private property owners “reasonable attorney’s fees” if they go to court over whether a proposed residential development in a commercial zone is legal and conforming.

These bills, as amended, invert the intentions of the House to fix and improve legislation passed last year (**HB 631**) mandating that municipalities allow multi-family residential development on commercially zoned land, with specific conditions related to infrastructure and exemptions for adaptive reuse projects. The Senate amendments make the mandate even more onerous and restrictive.

Senate, House Roundup

The Senate and the House held sessions on Thursday. Here’s what happened on other bills we are following not previously referenced above:

Senate

HB 1300 was passed with amendments. The bill would mandate a local school tax cap question and related limitations on central office administrative expenses in school districts be included in the November 2026 state election on a separate ballot. NHMA **opposes** this bill because it does not contain a state appropriation for the cost of these additional ballots, meaning a city or town will be required to pay for the ballots. The bill returns to the House.

HB 1469 was passed with amendment. The bill, **supported** by NHMA, amends RSA 328-B (Massage) and RSA 328-H (Bodywork & Reflexology) to create establishment licenses for these businesses. Currently, only individual massage therapists must be licensed, but the state does not currently require separate licenses for massage parlors or the establishments where they operate. This bill is an important intervention to prevent human trafficking in our communities, and it provides municipalities and law enforcement with additional tools to address unlawful massage businesses statewide. The bill returns to the House.

House

SB 88 was **killed**. The bill, **opposed** by NHMA, prohibits government entities from including specified terms related to labor organization agreements in construction related contracts and grants. This is another win for municipalities.

SB 418 was **passed** with an amendment. The bill, **opposed** by NHMA, prohibits municipalities from requiring licenses for the production and sale of homestead food products (a.k.a. the “pickle bill”). The bill returns to the Senate.

SB 435 was **killed**. The bill, **supported** by NHMA, clarifies the relatively confusing language in current zoning statutes and replaces the term “unnecessary hardship” with “unreasonable restriction.”

SB 440, was **passed**. The bill, **supported** by NHMA, deals with the adoption of energy efficient and clean energy districts by municipalities. The bill will go to the governor.

SB 508 was **killed**. The bill, **opposed** by NHMA, requires municipalities to stamp and accept revised plans submitted by an applicant within 10 business days of submission. Getting this bill killed is a **huge win** for municipalities.

Governor Signs Municipal Bills

The governor recently signed several bills NHMA is following into law:

- **SB 593** (Chapter 42): Enabling the use of solid waste management funds by solid waste management districts. Effective May 8, 2026.
- **HB 481** (Chapter 44): Moving the state primary election to the second Tuesday in June beginning in 2028. Effective January 1, 2028.
- **HB 610** (Chapter 45): Revising the composition and objectives of the Residential Ratepayers Advisory Board. Effective August 6, 2026.
- **HB 1159** (Chapter 49): Relative to updating the state building code. Effective July 1, 2026.

- [**HB 1168**](#) (Chapter 50): Relative to employer documentation requirements. Effective July 7, 2026.
- [**HB 1205**](#) (Chapter 51): Prohibits state and county owned lands from participating in timber carbon sequestration projects. Effective July 7, 2026.
- [**SB 401**](#) (Chapter 54): Relative to removing an obsolete annual reporting requirement by municipal overseers of public welfare to the department of health and human services. Effective May 8, 2026.
- [**SB 443**](#) (Chapter 62): Adding rulemaking authority for certain requirements for review and approval of wastewater infrastructure plans and specifications, including the sewer connection permit program. Effective July 7, 2026.
- [**SB 489**](#) (Chapter 64): Altering the appointment process for the board of tax and land appeals. Effective May 8, 2026.
- [**SB 527**](#) (Chapter 67): Relative to written notice provided by state agencies to municipalities regarding pending applications. Effective July 7, 2026.

Note: NHMA's final 2026 *Legislative Bulletin*, which will be issued in late summer, will list all bills with municipal impacts that were enacted this year, along with links to any updated legal guidance on specific changes.

Follow Bills That Matter to You Online

In addition to our weekly Legislative Bulletin, NHMA provides members access to FastDemocracy, an online bill tracking platform, for efficient, real-time updates to legislative activity of interest to members. Visit our online [**Bill Tracker**](#) page to learn more and feel free to subscribe to weekly or daily updates on subjects and bills of interest.

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