

2022 Webinar Series



2022 Legislative Preview:

Raise Your Hometown Voices

January 4, 2022

**YOUR
VOICE
IS POWER**

Presented by:

- ▶ *Margaret Byrnes, Executive Director*
- ▶ *Natch Greyes, Government Affairs Counsel*
- ▶ *Katherine Heck, Government Finance Advisor*

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Today's Speakers



Margaret Byrnes
Executive Director



Katherine Heck
Government Finance Advisor

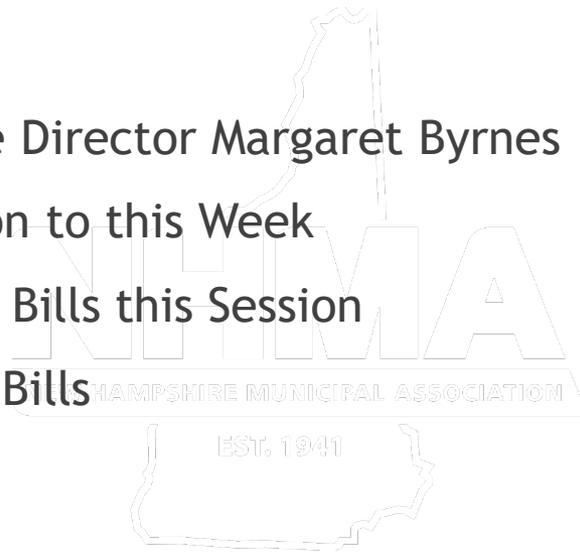


Natch Greyes
Government Affairs Director

Agenda



- ▶ Welcome
- ▶ Word from Executive Director Margaret Byrnes
- ▶ What to Pay Attention to this Week
- ▶ A Smattering of New Bills this Session
- ▶ Some New Financial Bills



Welcome to 2022!



- ▶ A little different from 2021
 - ▶ Not as much remote.
- ▶ Same players, so many similar bills to 2021
 - ▶ Major focus at the start will be redistricting
 - ▶ But that doesn't mean that there aren't some big municipal bills...and that's what we're going to focus on today.
- ▶ Last year turned out well because you spoke up, and we expect the same will be necessary this year!

How to Sign up/Testify

New Hampshire House of Representatives

- ▶ Entire House - Not meeting at the Capitol. Currently, scheduled at the DoubleTree.
- ▶ Committee Hearings - Streamed, but NO online testimony!
- ▶ If you want to testify, you must go in person!

New Hampshire Senate

- ▶ Entire Senate - Meeting in Reps Hall at the Capitol.
- ▶ Committee Hearings - Appear to have at least some streamed, but NO online testimony. Good idea to double-check the calendar.

**YOUR
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Now a word from our executive director...



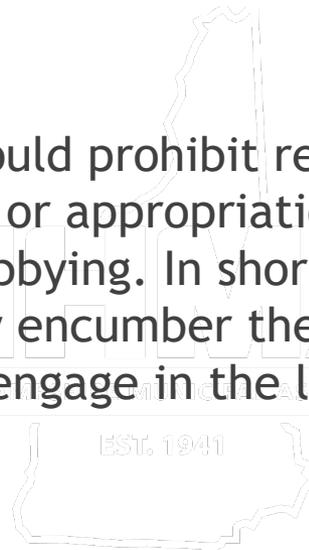
- ▶ 2022 again features a concerning number of bills targeting and eroding local control
- ▶ Advocacy from local officials will be crucial!
- ▶ NHMA's 2023-24 Legislative Policy Process
 - ▶ Volunteer for a policy committee
 - ▶ Submit a policy proposal
 - ▶ Look out for email announcements through the next few months

Anti-Lobbying Bill



**raise
your
voice.**

HB 1033 would prohibit recipients of state or local grants or appropriations from using such funds for lobbying. In short, it is intended to significantly encumber the ability of local officials to engage in the legislative process.



Broadband Bills



- ▶ On Tuesday, January 11, at 1:00 p.m., in LOB Room 103, the Senate Finance Committee will hear testimony on **SB 273**. This bill would allow towns that have formed a communications district under RSA chapter 53-G to approve a bond at a special town meeting.
- ▶ Improving broadband access, reliability, and speed is a top priority for many municipalities in New Hampshire, and **SB 273** would allow them to move more quickly than current law allows.
- ▶ **SB 395** allows municipalities and cell phone service providers to apply for broadband matching grant funds to upgrade local cell phone service to the standard necessary to support broadband and other advanced communication services.

“Freedom from Discrimination” Law



- ▶ Two bills seek to repeal this law
- ▶ HB 1576 would simply repeal
- ▶ SB 304 would repeal and replace
 - ▶ replaces it with language stating that no public employer is prohibited from engaging in or requiring training concerning “the historical or current experience of any group that is protected from discrimination” under the state’s human rights law.
 - ▶ Hearing will be held on January 12 at 1:45 p.m. in State House Room 100.

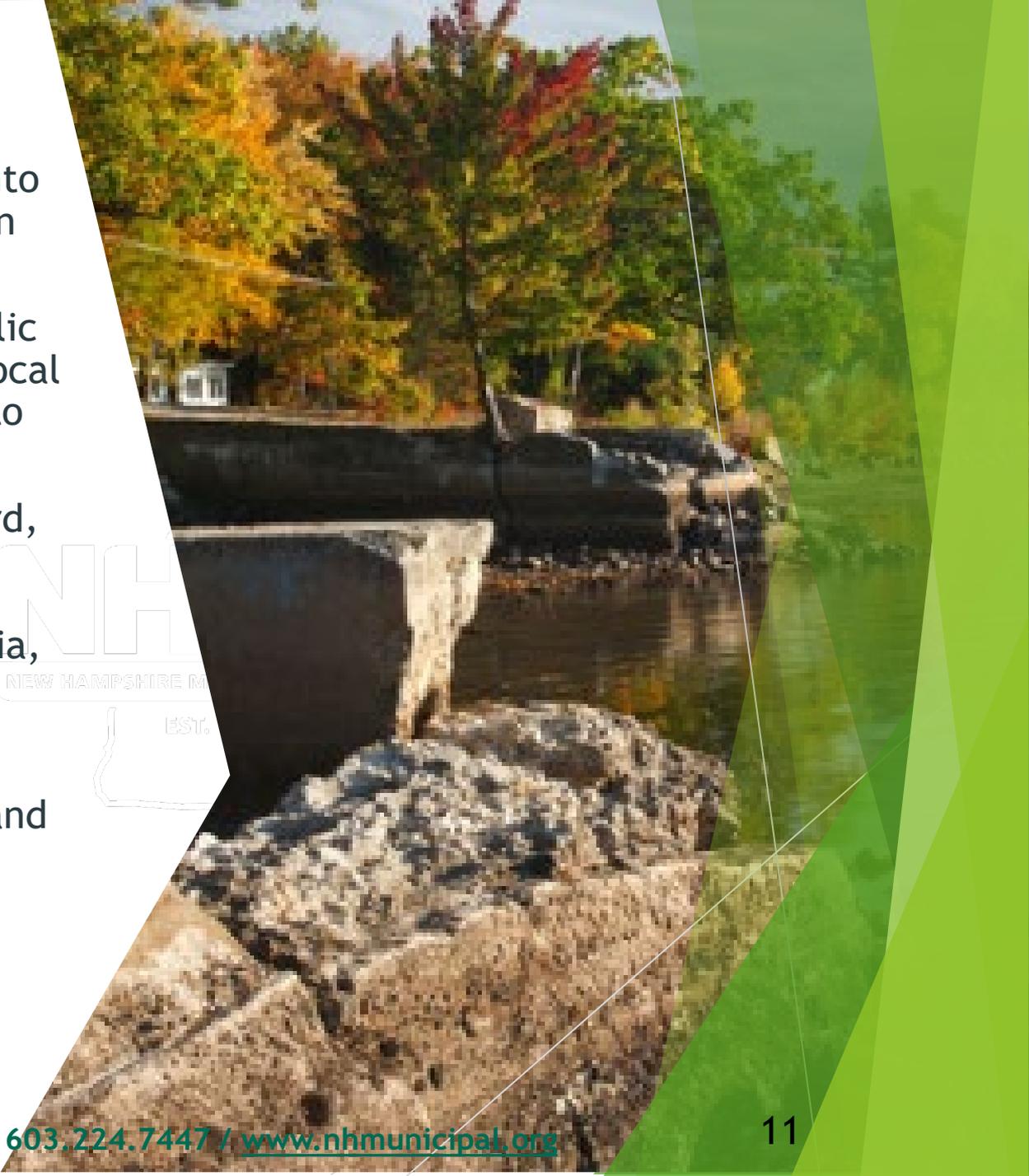
What to Pay Attention to this Week



- ▶ House & Senate meet tomorrow (January 5, 2022)
- ▶ Both House & Senate will take up “leftover” bills, i.e. bills that they saved from last year.
- ▶ We expect the major focus for many legislators will be the redistricting bills (even though deals are probably already in place for those), but there are a few bills of interest for municipalities.

Fluoride

- ▶ **HB 611** - Prohibiting the introduction of fluoride into any public water system in the state.
- ▶ This is the most local public health option we have - local legislative body decision to affect local health.
- ▶ Bedford, Belmont, Concord, Derry, Dover, Durham, Goffstown, Greenland, Hanover, Hooksett, Laconia, Lancaster, Lebanon, Londonderry, Manchester, Madbury, New Castle, Newington, Portsmouth, and Rochester



Guns



- ▶ **HB 307**, as passed by the House, would prohibit municipalities from regulating the discharge of firearms on any town-owned property, leaving cities and towns powerless to prevent gunfire or to prevent lead contamination of their groundwater.
- ▶ The Senate Judiciary Committee has recommended the bill to the full Senate with an important amendment that deletes the word “use” from the bill’s prohibitions, so municipalities would be prohibited from regulating the possession of firearms on town property (which is already the law), but could still prohibit the use of firearms on town property.
- ▶ The committee amendment leaves intact provisions of the House version that are intended to punish local officials who make the mistake, however innocently, of trying to enact an ordinance regulating possession of firearms on town property.

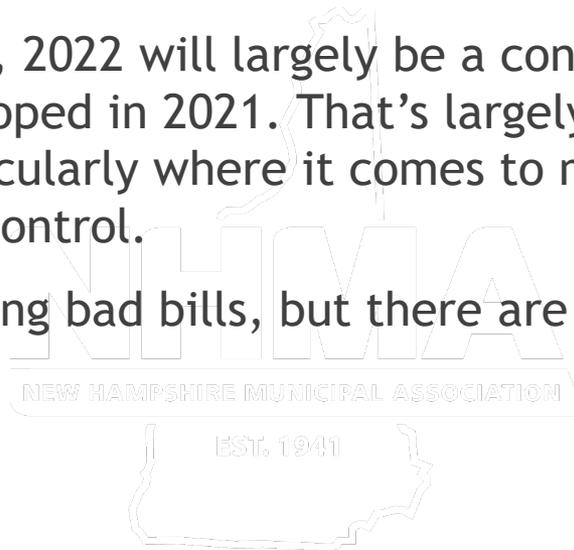
11 “Forgotten” Qualifying Projects

- ▶ **HB 398/HB 412** - An appropriation for water and wastewater projects that qualified for state funding in the current biennium but were not funded due to the pandemic budget freeze.
- ▶ Hooksett, Dover, Concord, Nashua, Exeter, Newport, Littleton, and Salem.

A Smattering of New Bills this Session



- ▶ As you might expect, 2022 will largely be a continuation of the themes developed in 2021. That's largely bad for municipalities, particularly where it comes to municipal authority and local control.
- ▶ Mostly, we're watching bad bills, but there are some good ones, too.

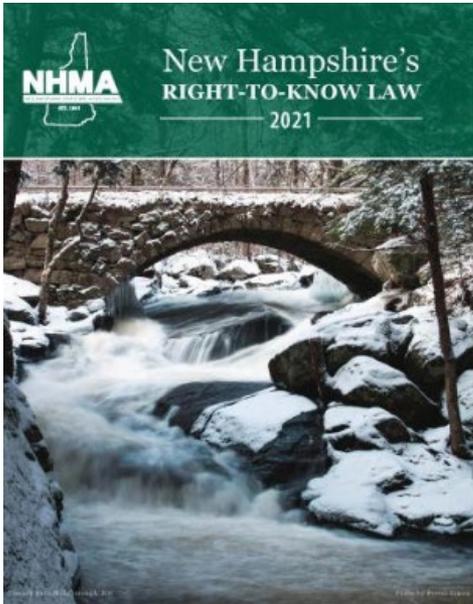


Short Term Rentals

- ▶ SB 249, a bipartisan bill with significant support in the Senate, would prohibit local zoning ordinances from prohibiting, or even regulating, short-term rentals.
- ▶ This is something currently decided at the local level, and it should stay that way!



Attorney-Client Privilege Repeal



- ▶ **HB 1073** would repeal the exemption added into the Right-to-Know Law last year protecting attorney-client privileged and attorney-work product information from public disclosure.



A Couple of Worrying Elections Bills



- ▶ **HB 1359** prohibits any election official, other than the clerk, from performing any election duties on election day when the official appears on the ballot for any position, and requires such officials to remain outside the polling place except when voting. In practice, if enacted, this bill means that municipalities will find that many of their duly elected election officials will be sitting out many of their elections. In the case of the moderator, for example, the office's two-year term means that the elected moderator will only be eligible to preside over town elections half of the time.
- ▶ **HB 1485** creates a procedure for the direct recall of any local elected official serving a 3-year term. Although the bill limits when recall petitions may be filed and the purposes for which such petitions may be filed, some limitations are vague and will require litigation to settle in each individual case, and the additional expense of holding a recall election will strain already tight municipal budgets.

And a Couple More Election Bills

- ▶ **HB 1567** allows any registered voter to bring suit in superior court against any municipal election official for failure to perform his or her election duties. If the voter prevails, the official will be removed from office and the municipality must pay the voter's attorney's fees and court costs. Nothing in the bill serves as a check against vexatious litigation, including suits by a voter alleging incorrect counting of ballots if his/her preferred candidate does not win.
- ▶ **HB 1064**, among other things, would prohibit the use of electronic ballot-counting devices. In other words, all ballots would have to be hand-counted! In large and even medium-size municipalities, this would leave sleep-deprived election officials counting votes all night and into the next day, after having arrived at the polls at 6:00 a.m. or earlier.

Mask and Vaccine Mandates

- ▶ Covid-19 has become a political hot topic with 28 bills pending relating to vaccines/vaccinations, another 3 related to masks, and one related to local health officers (at last count).
- ▶ They have a general theme. **HB 1272**, for example, aims to limit the authority of local health officers in making bylaws or ordinances relating to public health matters.

Housing Appeals Board Jurisdiction

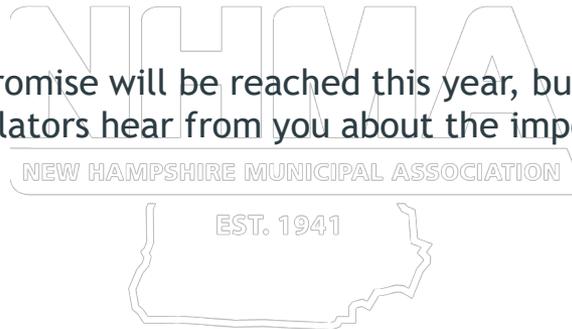


- ▶ Over the summer, the Housing Appeals Board (HAB) issued a decision in *William Evans, Trustee v. Town of Pembroke* that caused some consternation. In short, the HAB, which was created to deal with questions of housing and housing development, found that it had jurisdiction to hear an appeal over a select board’s decision whether to reclassify a class VI road as a class V road.
- ▶ **HB 1307**, has been filed to clarify the HAB’s jurisdiction by eliminating the broad language contained in the HAB’s jurisdictional statute, in favor of language that specifies that the appeals must come from final decisions of municipal land use boards “on applications for the development of housing.”

Remote Meetings



- ▶ Although there were several bills last year pertaining to remote meetings, including one, **SB 95**, that passed the Senate unanimously, the House refused to pass any changes to RSA 91-A:2 related to remote meetings.
- ▶ This year, there are three remote meeting bills - **HB 1014**, **SB 322**, and **SB 344**.
- ▶ We are hopeful that a compromise will be reached this year, but that will likely require that your legislators hear from you about the importance of such an option.



Some New Financial Bills

NHMA follows pending legislation and the fiscal impacts to local government.



Tax Exemptions for ROW Use

- ▶ **HB 1494** would exempt phone and cable companies from paying property taxes on their use of public rights-of-way.



Promising changes to New Hampshire Retirement

“The Property Tax Relief Act of 2022”

- ▶ **HB 1417** is an NHMA policy bill that proposes to restore a portion of the state contribution to the employer’s share for teachers, police, and firefighters at 7.5%.

Working after retirement

- ▶ **HB 1079** increases the part-time employment thresholds of New Hampshire Retirement System (NHRS) retirees.



Bills being followed

New Hampshire Retirement

- ▶ **HB 1590** would allow employer disaffiliation from the New Hampshire Retirement System for new municipal employees without paying its share of the unfunded liability.
- ▶ **HB 1535** would provide a 1.5 percent cost-of-living adjustment (COLA) to all New Hampshire Retirement System (NHRS) retirees.



Bills being followed

- ▶ **HB 1570** would reduce vehicle registration fees collected by the municipality.
- ▶ **SB 437** would increase the maximum fee that a municipality may charge for municipal transportation improvement purposes.
- ▶ **SB 315-** would require that a portion of revenues distributed to municipalities from the meals and rooms tax in excess of the fiscal year 2021 amounts to be used to reduce the local property tax rate.
- ▶ **HB 1204** would reduce the rate of the tax on meals, rooms, and gross rental receipts, and increases the percentage of meals and rooms tax revenues distributed to municipalities.
- ▶ **SB 239** would require that the DRA be notified when the municipal audit is completed and establishes a fine for noncompliance with municipal audit requirements.



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Stay connected.

Through the collective power of cities and towns, NHMA promotes effective municipal government by providing education, training, advocacy and legal services.

NHMA's *Legislative Bulletin* is published each Friday during the legislative session (early January through the end of either May or June, depending on the year), highlighting NHMA policy bills and other bills of municipal interest as they move through the legislative process.

Each *Legislative Bulletin* contains a brief analysis of key legislative developments during the past week, a legislative calendar listing municipal bills to be heard in the next two weeks, a call to action on scheduled hearings, and updates on federal issues of interest to municipalities. NHMA publishes the Final Legislative Bulletin at the close of the legislative session, providing a summary of all laws of municipal interest that were enacted during the session.

Sign up today to continue receiving NHMA's *Legislative Bulletin* in your inbox.

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Upcoming Workshops

2022 Town and School Moderators Workshops



REGISTRATION OPEN: 2022 Town and School Moderators Workshops

Save January 8 for SB2 Workshop and February 12 for Traditional Town
Workshop! In person attendance costs \$65.00 and virtual attendance via Zoom
is \$55.00.

REGISTRATION OPEN!

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Upcoming Webinar

The Do's and Don't of Electioneering



The Do's and Don'ts of Electioneering Webinar

12:00 noon - 1:00 pm, Wednesday, January 19, 2022. Join NHMA's Stephen Buckley who will review electioneering limitations on government when using government equipment or channels, such as websites and social media, to advocate for approval of warrant articles and budgets.

REGISTRATION NOW OPEN!

[REGISTRATION OPEN!](#)

Upcoming Workshop

2022 Right-to-Know Law for Law Enforcement



Right-to-Know for Law Enforcement Hybrid Workshop

9:00 am - 12:00 pm, Thursday, January 27, 2022. Join NHMA's Legal Services team who will share insights and strategies to assist law enforcement agencies in handling government records requests. Cost is \$65 (in person) or \$55 (virtual).

REGISTRATION OPEN!

[REGISTRATION OPEN!](#)



for joining us today



NHMA'S MISSION

Through the collective power of cities and towns, NHMA promotes effective municipal government by providing education, training, advocacy and legal services.

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