

MINUTES
City Council Legislative Subcommittee
Monday, January 31, 2022 at 10:00 a.m.
Conference Room A
1 Junkins Ave.
Portsmouth, NH

I. Greeting.

Mayor McEachern began the meeting at 10:10a.m. Mayor McEachern, Assistant Mayor Kelley, Councilor Tabor and Councilor Cook attended the meeting in person, as did City Manager Conard and Assistant City Attorney Ferrini. The Mayor's introductory remarks thanked the members for serving, encouraged them to work with our delegation where we can be effective and urged all members to testify in Concord.

II. Approval of December 22, 2021 Minutes.

The Committee discussed that other than the Mayor, there were different Committee members for the December 22, 2021 meeting and they felt they could not approve the minutes.

Councilor Tabor **moved** and Councilor Cook **seconded** a motion to keep the draft minutes posted on the City's webpage. The Committee **voted unanimously** to support the Motion.

III. Legislative Principles and Procedures for Testimony.

The Mayor introduced the Legislative Principles and Procedures for Testimony. He suggested the goal for today's meeting was for the Committee to review and bring these Principles and Procedures forward to the City Council. He referenced the testimony submitted to date, noting that Concord moves quickly and the Committee does not always have a chance to meet prior to the submission of testimony. The Committee discussed the Principles and Procedures. Councilor Tabor asked if these were new Principles and Assistant City Attorney Ferrini replied that these were the same Principles that were last amended by the Council in February 2019. City Manager Conard confirmed with Assistant Attorney Ferrini that the list of Principles are not in any order of priority. The Mayor commented that the Committee could amend the Principles later but it was important to get them established in order to be able to move forward with testimony. Councilor Tabor noted the Principle and Procedures were necessary so the City could be, essentially, light on its feet.

The Committee discussed some of its priorities for the legislative session. Councilor Cook identified that local authority was a priority because there were many bills that were trying to restrict local control, such as bills on voting and housing (tiny houses, Airbnb). The Mayor agreed and noted that Concord was responding to a vacuum because municipalities have not acted to address the Airbnb issue, which has created a shadow market for short term rentals. The Mayor explained that this is an example of something he would look to this Committee to bring back to the Council if we need to take action. The Committee identified additional priorities, such as workforce housing, climate change and additional sources of revenue for municipalities, such as the pillow tax.

Councilor Tabor **moved** and Assistant Mayor Kelley **seconded** a motion to amend Legislative Principle 17 by adding to the beginning of the sentence "Support policies that create affordable housing as well as...". The Committee **voted unanimously** to approve the amendment.

Councilor Cook **moved** and Councilor Tabor **seconded** a Motion to approve the Legislative Principles and Procedures and to recommend them to the City Council. The Committee **voted unanimously** in favor of the Motion.

The Mayor stated that it was important to be part of the legislative process and if the Office of the Mayor declines to speak, it sends a message, so he encouraged Committee members to testify. The Committee discussed encouraging City Council members to testify and for them to note if their views differed from positions taken by the Legislative Subcommittee,

IV. Status update on bills and testimony submitted in 2022:

- Hotel occupancy (SB 338). The Mayor explained that the bill was killed but will likely be converted to a study committee as an amendment to another bill. The partisan opposition to this bill is in part because it is characterized as a tax, not a fee. Some Senate Committee members questioned whether the property tax on hotels is sufficient to cover their costs. He noted that the Mayors' Roundtable supports the bill and this will go to a floor vote even though the Committee voted 4-1 ITL, Inexpedient to Legislate.
- Short term rentals (SB 249). The Mayor stated there is bipartisan support for this bill in the Senate. The bill was introduced in Concord to fill a void because municipalities were not addressing the issue. The bill provides no protection from out of state companies buying up residential property and turning Portsmouth into a community without residents from Thursday night through Sunday. The Mayor also stated that he understands the need for owner occupied rentals to help defer costs and that the City needs to address this shadow economy.
- Funding for sound barriers (HB 2022, HB 1593, HB 1656); The Mayor discussed the City's Type I sound barriers in the 10 year plan and raised the issue of schools being treated the same as cemeteries when evaluation

sound barriers and stated that this is an issue that must be addressed outside the legislative process. The Mayor complimented Representative Somssich's work over many years on attempting to get funding for City's sound barriers, which were until recently, classified as Type II. The Mayor also noted that passage of the Legislative Principles permits Assistant Attorney Ferrini to work with our Representatives and Senator Perkins Kwoka.

- Increase municipal vehicle registration fee (SB 437). The Mayor spoke with Senator Perkins Kwoka who confirmed there is bipartisan support for this bill.
- Municipal fee from traffic violations (SB 441). The Mayor relayed that NHMA did not support this bill because some members were concerned that municipalities might issue more tickets to pad their budget.

- V. Discussion of legislative issues of interest and requests for support and Mayors' Roundtable. The Mayor spoke about Mayors' Roundtable, a nonpartisan group of Mayors that support legislative issues. He said the group will be discussing legislative issues of importance with the Governor on February 8, 2022.
- VI. General discussion of issues of interest to Committee. The Committee discussed offshore wind (SB 440, SB 268). The Mayor and City Manager noted their tour this morning of the Piscataqua turning basin with our federal delegation. The Mayor discussed Senator Watters' legislation on offshore wind. Councilor Cook identified as a legislative priority the issue of downshifting costs from the state on to municipalities. The Committee discussed HB 1417, a bill that would obligate the state to resume paying a portion of retirement costs. In discussing SB 400, a bill that supports workforce housing, Assistant Attorney Ferrini noted the award of attorney's fees in the bill. She explained the land use appeal process for the Housing Appeals Board and the superior court. She also noted that there were bills to both repeal the HAB and to expedite superior court appeals.
- VII. Update on Coalition Communities 2.0. Assistant Attorney Ferrini briefly explained the history of donor towns and the reestablishment of the Coalition Communities 2.0. and the group's hiring of Jim Merrill from Bernstein Shur as a lobbyist to track and oppose changes in the school funding formula that would bring back a return to a donor town school funding system. Assistant Attorney Ferrini also mentioned that the ConVal matter is in litigation, which challenges the school funding formula, which won't be heard until 2023. The Mayor said this issue may not be a priority for this legislature this session but it will return. He acknowledged the work of the Commission on Education Funding and how they addressed student inequity well but did not address tax inequity as well. The Mayor asked for a presentation from former Councilor Chris Dwyer, who was on the Commission on Education Funding, and quoted her comments to the Commission that acknowledge that we want equity for all students but we do not want rely on the property tax. Councilor Cook requested a report back on the Freedom Education Account and to determine

if these accounts would have an impact on the budget. Council Tabor requested a report back on whether there is any movement in the legislature to address commercial appraisals. Assistant Attorney Ferrini noted there was a bill that proposed different tax rate for commercial property this session. Councilor Tabor stated that this could be a problem for smaller businesses. Assistant City Attorney Ferrini stated that staff members with areas of expertise may participate in the report back at next meeting.

- VII. Adjournment. The next Legislative Subcommittee meetings will be scheduled with our delegation after reaching out to confirm a date and time. Councilor Tabor moved and Councilor Cook seconded motion to adjourn at 11:17 a.m.

HB 1266 - AS INTRODUCED

2022 SESSION

22-2308
08/10

HOUSE BILL

1266

AN ACT

relative to restrictions on enforcement of federal immigration laws.

SPONSORS:

Rep. Piemonte, Rock. 4; Rep. Torosian, Rock. 14; Rep. Potucek, Rock. 6

COMMITTEE:

Criminal Justice and Public Safety

ANALYSIS

This bill prohibits state, county, municipal, or judicial officials from adopting or enforcing policies restricting enforcement of federal immigration laws.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 1072 - AS INTRODUCED

2022 SESSION

22-2356
10/04

HOUSE BILL **1072**

AN ACT establishing a criminal penalty for denying an elected school district official access to any school district facilities, documents, or events.

SPONSORS: Rep. S. Pearson, Rock. 6; Rep. Green, Rock. 13; Rep. Weyler, Rock. 13; Rep. M. Pearson, Rock. 34

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill prohibits the denial of access to any school facilities, documents, or school events to persons in elected school district positions. A violation is a class B misdemeanor.

.....

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing a criminal penalty for denying an elected school district official access to any school district facilities, documents, or events.

Be it Enacted by the Senate and House of Representatives in General Court convened:

- 1 1 New Section; Schools; Access by Elected Persons to School Facilities, Documents, or Events.
2 Amend RSA 189 by inserting after section 1-e the following new section:
3 189:1-f Access by Elected Persons to School Facilities, Documents, or Events. No elected
4 member of a school board, budget committee, or any other elected school district position, shall be
5 denied access to any school facilities, documents, or school events by any superintendent of school,
6 school principal, or faculty member while that person holds office. The access to school facilities,
7 documents, or school events shall not apply if the elected person has been charged pending
8 disposition for, or convicted of, any violation or attempted violation as described in RSA 189:13-a, V.
9 Any person denying access in violation of this section shall be guilty of a class B misdemeanor.
10 2 Effective Date. This act shall take effect January 1, 2023.

HB 1033-FN-LOCAL - AS INTRODUCED

2022 SESSION

22-2117
08/10

HOUSE BILL ***1033-FN-LOCAL***

AN ACT prohibiting recipients of state or local grants or appropriations from using such funds for lobbying.

SPONSORS: Rep. Cordelli, Carr. 4; Rep. Pauer, Hills. 26; Rep. Tripp, Rock. 6; Rep. Kofalt, Hills. 4; Rep. Johnson, Belk. 3; Rep. Moffett, Merr. 9; Rep. A. Lekas, Hills. 37; Sen. Giuda, Dist 2; Sen. Avard, Dist 12

COMMITTEE: Legislative Administration

ANALYSIS

This bill prohibits the recipient of a grant or appropriation of county, municipal, school district, or village district funds from using such funds to engage in lobbying activities.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting recipients of state or local grants or appropriations from using such funds for lobbying.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Lobbyists; Use of County or Municipal Funds for Lobbying Activity Prohibited. Amend RSA
2 15:5 to read as follows:

3 15:5 Prohibited Activities.

4 I. Except as provided in paragraph II, no recipient of a grant or appropriation of state,
5 **county, municipal, school district, or village district** funds may use the [state] funds to lobby or
6 attempt to influence legislation, participate in political activity, or contribute funds to any entity
7 engaged in these activities.

8 II. Any recipient of a grant or appropriation of state, **county, municipal, school district,**
9 **or village district** funds that wishes to engage in any of the activities prohibited in paragraph I, or
10 contribute funds to any entity engaged in these activities, shall segregate the state, **county,**
11 **municipal, school district, or village district** funds in such a manner that such funds are
12 physically and financially separate from any [~~non-state~~] **other** funds that may be used for any of
13 these purposes. Mere bookkeeping separation of the state, **county, municipal, school district, or**
14 **village district** funds from other moneys shall not be sufficient.

15 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1033-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT prohibiting recipients of state or local grants or appropriations from using such funds for lobbying.

FISCAL IMPACT: State County Local None

COUNTY:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

This bill would prohibit any recipient that received an appropriation of funds from a political subdivision from using those funds to engage in lobbying or political activity or contributing the funds to an entity engaged in those activities. Any recipient that receives such funds would be required to segregate them from other funds that may be used for lobbying or political activity. To the extent a county is a member of an entity that conducts lobbying or political activity and chooses to remain a member, they may have increased member costs associated with the entity complying with this bill.

The New Hampshire Municipal Association states there would be no impact at the local level.

It is assumed any fiscal impact will not occur until FY 2023.

AGENCIES CONTACTED:

New Hampshire Association of Counties and New Hampshire Municipal Association

HB 1417-FN-LOCAL - AS INTRODUCED

2022 SESSION

22-2819
10/11

HOUSE BILL ***1417-FN-LOCAL***

AN ACT relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

SPONSORS: Rep. Cushing, Rock. 21; Rep. Cote, Hills. 31; Rep. Edgar, Rock. 21; Sen. Rosenwald, Dist 13

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill 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.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Short Title; Purpose.

2 I. This act may be known as the "Property Tax Relief Act of 2022."

3 II. This act renews a promise made by state to municipalities and restores the state's
4 contribution of a portion of the retirement costs of teachers, firefighters, and local police. Its purpose
5 is to help ease the local property tax burden, provide property tax relief to the cities and towns, and
6 enhance public education and public safety.

7 2 Retirement System; Employer Contributions; State Share of Contributions. Amend RSA 100-
8 A:16, II(b) and (c) to read as follows:

9 (b) The contributions of each employer for benefits under the retirement system on
10 account of group II members shall consist of a percentage of the earnable compensation of its
11 members to be known as the "normal contribution," and an additional amount to be known as the
12 "accrued liability contribution;" provided that beginning with state fiscal year [2013] **2024** and for
13 each state fiscal year thereafter, any employer [~~shall pay the full amount of such total contributions~~
14 **other than the state, shall pay 92.5 percent of such total contributions, and 7.5 percent**
15 **thereof shall be paid by the state; and provided further that, in case of group II members**
16 **employed by the state, the state shall pay both normal and accrued liability contributions.**
17 The rate percent of such normal contribution, including contributions on behalf of group II members
18 whose group II creditable service is in excess of 40 years, in each instance shall be fixed on the basis
19 of the liabilities of the system with respect to the particular members of the various member
20 classifications as shown by actuarial valuations, except as provided in subparagraph (i).

21 (c) The contributions of each employer for benefits under the retirement system on
22 account of group I members shall consist of a percentage of the earnable compensation of its
23 members to be known as the "normal contribution," and an additional amount to be known as the
24 "accrued liability contribution;" provided that beginning with state fiscal year [2013] **2024** and for
25 each state fiscal year thereafter, **in the case of teachers**, any employer [~~shall pay the full amount of~~
26 ~~such total contributions~~] **other than the state, shall pay 92.5 percent of such total**
27 **contributions, and 7.5 percent thereof shall be paid by the state; and provided further that,**
28 **in case of teacher members employed by the state, the state shall pay both normal and**
29 **accrued liability contributions.** The rate percent of such normal contribution in each instance
30 shall be fixed on the basis of the liabilities of the system with respect to the particular members of

HB 1417-FN-LOCAL - AS INTRODUCED

- Page 2 -

1 the various member classifications as shown by actuarial valuation, except as provided in
2 subparagraph (i).

3 3 Repeal. RSA 100-A:16, II(c-1) relative to employer contributions for fiscal year 2012, is
4 repealed.

5 4 Effective Date. This act shall take effect July 1, 2023.

**HB 1417-FN-LOCAL- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to payment by the state of a portion of retirement system contributions of political subdivision employers.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$27.79 million	\$28.47 million
Funding Source:	<input checked="" type="checkbox"/> General	<input type="checkbox"/> Education	<input type="checkbox"/> Highway	<input type="checkbox"/> Other

**POLITICAL
SUBDIVISIONS:**

Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	(\$27.79 million)	(\$28.47 million)

*The New Hampshire Retirement System states it is not able to separate the fiscal impact of this legislation between county and local government, therefore the fiscal impact is shown together as political subdivisions.

METHODOLOGY:

The bill requires the state to pay 7.5 percent of contributions of retirement system employers other than the state for group I teachers and group II members beginning in FY 2024.

The New Hampshire Retirement System (NHRS) states the proposed change affects the pension contribution rate, but not the medical subsidy contribution rate. The NHRS indicates this bill does not impact the NHRS unfunded actuarial accrued liability (UAAL) or funded ratio because it does not change the total amount of employer contributions due to the retirement system, only the funding source. Because this bill shifts the impact from political subdivisions to the state the fiscal impact of this bill is an increase in general fund expenditures and decrease political subdivision expenditures by \$27.79 million in FY 2024 and \$28.47 million in FY 2025. The fiscal impact for both the state and the political subdivision will go beyond FY 2025. See tables below for more detail of fiscal impact.

Net Impact on State Employer Contributions (\$s in millions)

	Employees	Teachers	Police	Fire	Total
FY 2022	0.00	0.00	0.00	0.00	0.00
FY 2023	0.00	0.00	0.00	0.00	0.00
FY 2024	0.00	18.54	6.00	3.25	27.79
FY 2025	0.00	18.96	6.17	3.34	28.47
FY 2026	0.00	19.39	6.34	3.43	29.16

Net Impact on Political Subdivision Employer Contributions (\$s in millions)

	Employees	Teachers	Police	Fire	Total
FY 2022	0.00	0.00	0.00	0.00	0.00
FY 2023	0.00	0.00	0.00	0.00	0.00
FY 2024	0.00	(18.54)	(6.00)	(3.25)	(27.79)
FY 2025	0.00	(18.96)	(6.17)	(3.34)	(28.47)
FY 2026	0.00	(19.39)	(6.34)	(3.43)	(29.16)

AGENCIES CONTACTED:

New Hampshire Retirement System

HB 307 - AS AMENDED BY THE SENATE

7Apr2021... 0411h
01/05/2022 2288s

2021 SESSION

21-0553
04/05

HOUSE BILL **307**

AN ACT relative to the state preemption of the regulation of firearms and ammunition.

SPONSORS: Rep. Silber, Belk. 2; Rep. Yakubovich, Merr. 24; Rep. Comtois, Belk. 7; Rep. Gould, Hills. 7

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill provides state preemption of the regulation of firearms, ammunition, ammunition components, knives, and firearms components and accessories.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears [~~in brackets and struck through.~~]
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

HB 307 - AS AMENDED BY THE SENATE

7Apr2021... 0411h
01/05/2022 2288s

21-0553
04/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

AN ACT relative to the state preemption of the regulation of firearms and ammunition.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Legislative Findings. The general court finds that:

2 I. New Hampshire is not a home rule state.

3 II. If municipal ordinances and regulations regarding regulation of firearms; ammunition;
4 ammunition components; knives; firearms components; firearms accessories; and firearms supplies
5 differ from municipality to municipality it may place a citizen in danger of inadvertently violating
6 the law.

7 III. We are a nation of laws and every person is subject to the law, including people who are
8 lawmakers, law enforcement officials, and judges.

9 IV. Citizens have good reason to expect that elected officials will be held to the same
10 standard as citizens and that our statutes shall be followed and penalties are reasonable for
11 purposeful violations of the law.

12 2 Name of Act. This act shall be known as the New Hampshire Second Amendment state
13 preemption act.

14 3 Firearms, Ammunition, and Knives; State Preemption. The subdivision heading preceding
15 RSA 159:26 and RSA 159:26 are repealed and reenacted to read as follows:

16 New Hampshire Second Amendment State Preemption Act

17 159:26 Legislative Intent.

18 I. It is the intent of this subdivision to provide uniform firearms laws in the state; to declare
19 all ordinances and regulations null and void which have been enacted by any jurisdictions other than
20 state and federal jurisdictions, which regulate firearms; ammunition; ammunition components;
21 knives; firearms components; firearms accessories; and firearms supplies; to prohibit the enactment
22 of any future ordinances or regulations relating to firearms; ammunition; ammunition components;
23 knives; firearms components; firearms accessories; and firearms supplies unless specifically
24 authorized by this subdivision or general law; and to require local jurisdictions to enforce state
25 firearms laws. Except as otherwise specifically provided by statute, no ordinance or regulation of a
26 political subdivision, including, without limitation, any school district or school administrative unit,
27 shall regulate the sale, purchase, ownership, possession, transportation, licensing, permitting,
28 taxation, or other matter pertaining to firearms; ammunition; ammunition components; knives;
29 firearms components; firearms accessories; and firearms supplies in this state.

HB 307 - AS AMENDED BY THE SENATE

- Page 2 -

1 II. It is further the intent of this subdivision to deter and prevent the violation of this
2 subdivision and the violation of rights protected under the constitution and laws of this state related
3 to firearms; ammunition; ammunition components; knives; firearms components; firearms
4 accessories; and firearms supplies by the abuse of official authority that occurs when enactments are
5 passed in violation of state law or under color of local or state authority.

6 159:27 State Preemption. Except as expressly provided by the state constitution or statute, the
7 general court hereby declares that it is occupying the whole field of regulation of firearms;
8 ammunition; ammunition components; knives; firearms components; firearms accessories; and
9 firearms supplies, including the purchase, sale, transfer, taxation, manufacture, repair, modification,
10 ownership, possession, storage, and transportation thereof, to the exclusion of all existing and future
11 county, city, town, or municipal ordinances or any administrative regulations or rules adopted by
12 local or state government relating thereto or by any school district or school administrative unit.
13 Any existing ordinances, rules, or regulations of any county, city, town, municipality, school district
14 or school administrative unit are, upon the effective date of this section, hereby declared null and
15 void.

16 159:28 Prohibitions; Penalties.

17 I. No public entity shall, and no private entity leasing or operating in any manner on any
18 property owned, whole or in part, by the state, a political subdivision of this state, committee, or
19 other governmental unit thereof, including a school district or school administrative unit shall
20 regulate or attempt to regulate the sale or possession of firearms; ammunition; ammunition
21 components; knives; firearms components; firearms accessories; and firearms supplies on any
22 property owned, whole or in part, by the state, political subdivision, committee, or other
23 governmental unit thereof, including a school district or school administrative unit, unless explicitly
24 authorized by statute.

25 II. A superior court having jurisdiction over the defendant or defendants shall declare
26 invalid and unenforceable any ordinance, regulation, or rule adopted by any person, county, agency,
27 municipality, district, or other political subdivision, including a school district or school
28 administrative unit and any private entity leasing or operating in any manner on any property
29 owned, whole or in part, by the state, a political subdivision of this state, committee, or other
30 governmental unit thereof, including a school district or school administrative unit that violates the
31 provisions of this subdivision and shall issue a permanent injunction against the political
32 subdivision or private entity, as applicable, that adopted such ordinance, regulation, or rule
33 prohibiting it from enforcing such ordinance, regulation, or rule. It shall be no defense that in
34 enacting the ordinance, regulation, or rule the county, city, town, or other local government entity,
35 including a school district or school administrative unit or private entity leasing or operating in any
36 manner on any property owned, whole or in part, by the state, a political subdivision of this state,

HB 307 - AS AMENDED BY THE SENATE

- Page 3 -

1 committee, or other governmental unit thereof, including a school district or school administrative
2 unit, was acting in good faith or upon the advice of counsel.

3 III. Upon a good faith belief that a county, city, town, or other local government entity, or
4 other public or private organization or entity has violated this section, any citizen of this state
5 residing within the geographic boundaries within which the applicable county, city, town, or other
6 local government entity, or other public or private organization or entity is located and believing
7 themselves to be aggrieved by such actions shall give written notice by certified mail, return receipt
8 requested, or by a nationally-recognized courier service, to the county, city, town, or other local
9 government entity or public or private organization or entity that is believed to have violated this
10 section of the citizen's reasonable belief of such a violation, and the county, city, town, or other local
11 government entity or other public or private organization or entity shall, within 90 days of receiving
12 such notice, rescind any such ordinance, regulation, rule or policy that violates this section. If after
13 the expiration of such 90-day period, the county, city, town, or other local government entity or other
14 public or private organization or entity that enacted any such ordinance, regulation, rule, or policy
15 fails or refuses to rescind such ordinance, regulation, or rule, such citizen of this state claiming to be
16 so aggrieved and who has given such notice may bring an action in the superior court for the county
17 in which the applicable county, city, town, or other local government entity, or other public or private
18 organization or entity is located to require the rescission of any such ordinance, regulation, rule, or
19 policy and may be awarded reasonable attorneys' fees and costs of the person bringing the action,
20 including such attorneys' fees and costs in all courts and on appeal. The aggrieved citizen of this
21 state giving such notice shall be deemed to have standing to bring suit under this section.

22 IV. If the court determines that a violation was inadvertent or the result of simple
23 negligence, the court shall assess a civil fine of \$500 against the county, city, town, or other local
24 government entity or other public or private organization or entity that enacted any such ordinance,
25 regulation, rule, or policy for the first violation, a civil fine of up to \$1,000 for a second violation, and
26 a civil fine of up to \$2,500 for a third or subsequent violation. If the court determines that a
27 violation was committed purposely or knowingly, or committed recklessly or as the result of gross
28 negligence, the court shall assess a civil fine of up to \$5,000 against the county, city, town, or other
29 local government entity or other public or private organization or entity that enacted any such
30 ordinance, regulation, rule, or policy.

31 V. A purposeful or knowing violation of any provision of this section by a person acting in an
32 official capacity for any entity enacting or causing to be enforced a local ordinance or administrative
33 rule or regulation or policy prohibited under this section or otherwise under color of law shall be
34 cause for termination of employment or contract or removal from office by the governor.

35 VI. Any citizen of this state residing within the geographic boundaries within which the
36 applicable county, city, town, or other local government entity, or other public or private
37 organization or entity aggrieved by any ordinance, regulation, measure, directive, rule, enactment,

HB 307 - AS AMENDED BY THE SENATE

- Page 4 -

1 order, or policy enacted, adopted or enforced in violation of this section is located may, after giving
2 notice as provided for in paragraph III and after expiration of the 90-day time period, file suit in the
3 superior court of the county in which the applicable county, city, town, or other local government
4 entity, or other public or private organization or entity is located against any county, agency,
5 municipality, school district, school administrative unit, or other entity that enacted any such
6 ordinance, regulation, rule or policy for declaratory and injunctive relief and for damages caused by
7 the violation. Upon such filing, the court shall schedule a hearing on the matter which shall be
8 within 10 days, excluding Saturdays, Sundays, and legal holidays, from the date of filing. Any
9 citizen of this state residing within the geographic boundaries within which the applicable county,
10 city, town, or other local government entity, or other public or private organization or entity
11 aggrieved by any ordinance, regulation, measure, directive, rule, enactment, order, or policy enacted,
12 adopted or enforced in violation of this section, as well as any organization whose membership is
13 aggrieved by any ordinance, regulation, measure, directive, rule, enactment, order, or policy enacted,
14 adopted or enforced in violation of this section, shall be deemed to have standing to bring an action
15 under this section. After a hearing on the merits, if the court finds in favor of the petitioner, the
16 court shall:

17 (a) Issue an injunction against the person, or public or private organization or entity, or
18 political subdivision from enacting or enforcing the ordinance, regulation, rule, or policy;

19 (b) Issue a declaratory judgment that the ordinance, regulation, rule, or policy is void
20 and unenforceable;

21 (c) Award the prevailing petitioner in any such suit reasonable attorney's fees and costs,
22 including a contingency fee multiplier if the petitioner was represented by counsel working on the
23 basis of a contingent fee, including such attorneys' fees and costs in all tribunals and on appeal; and

24 (d) Award to the successful petitioner bringing the action liquidated damages in the
25 amount of \$10,000 against the defendant county, agency, municipality, school district, school
26 administrative unit, or other entity, as applicable.

27 159:29 Exceptions. This subdivision shall not:

28 I. Prohibit zoning ordinances that encompass firearms businesses along with other
29 businesses, except that zoning ordinances that are designed for the purpose of restricting or
30 prohibiting the sale, purchase, transfer, repair or manufacture of firearms or ammunition or
31 ammunition components or knives or regulating the sale of firearms accessories as a method of
32 regulating firearms or ammunition or ammunition components or knives are in conflict with this
33 subdivision, are prohibited, and are hereby declared to be null and void.

34 II. Prohibit a duly organized law enforcement agency from enacting and enforcing
35 regulations pertaining to firearms, ammunition, ammunition components, firearm accessories or
36 knives issued to or used by peace officers in the course of their official duties.

HB 307 - AS AMENDED BY THE SENATE

- Page 5 -

1 III. Prohibit a court or administrative law judge from hearing and resolving any case or
2 controversy or issuing any opinion or order on a matter within the jurisdiction of that court or judge.

3 IV. Limit the authority of the legislative body of any city or town pursuant to RSA 644:13.

4 159:30 Savings Provision. In the event that any of the terms or provisions of this act are
5 declared invalid or unenforceable by any court of competent jurisdiction, the remaining terms and
6 provisions that are not effected thereby shall remain in full force and effect.

7 4 Effective Date. This act shall take effect upon its passage.

Amendment to HB 307

1 Amend RSA 159:26, I as inserted by section 3 of the bill by replacing it with the following:

2

3 I. It is the intent of this subdivision to provide uniform firearms laws in the state; to declare
4 all ordinances and regulations null and void which have been enacted by any jurisdictions other than
5 state and federal jurisdictions, which regulate firearms; ammunition; ammunition components;
6 knives; firearms components; firearms accessories; and firearms supplies; to prohibit the enactment
7 of any future ordinances or regulations relating to firearms; ammunition; ammunition components;
8 knives; firearms components; firearms accessories; and firearms supplies unless specifically
9 authorized by this subdivision or general law; and to require local jurisdictions to enforce state
10 firearms laws. Except as otherwise specifically provided by statute, no ordinance or regulation of a
11 political subdivision, including, without limitation, any school district or school administrative unit,
12 shall regulate the sale, purchase, ownership, possession, transportation, licensing, permitting,
13 taxation, or other matter pertaining to firearms; ammunition; ammunition components; knives;
14 firearms components; firearms accessories; and firearms supplies in this state.

15

16 Amend RSA 159:28, I as inserted by section 3 of the bill by replacing it with the following:

17

18 I. No public entity shall, and no private entity leasing or operating in any manner on any
19 property owned, whole or in part, by the state, a political subdivision of this state, committee, or
20 other governmental unit thereof, including a school district or school administrative unit shall
21 regulate or attempt to regulate the sale or possession of firearms; ammunition; ammunition
22 components; knives; firearms components; firearms accessories; and firearms supplies on any
23 property owned, whole or in part, by the state, political subdivision, committee, or other
24 governmental unit thereof, including a school district or school administrative unit, unless explicitly
25 authorized by statute.

26

27 Amend RSA 159:29 as inserted by section 3 of the bill by replacing it with the following:

28

29 159:29 Exceptions. This subdivision shall not:

30

31 I. Prohibit zoning ordinances that encompass firearms businesses along with other
32 businesses, except that zoning ordinances that are designed for the purpose of restricting or
prohibiting the sale, purchase, transfer, repair or manufacture of firearms or ammunition or

Amendment to HB 307

- Page 2 -

1 ammunition components or knives or regulating the sale of firearms accessories as a method of
2 regulating firearms or ammunition or ammunition components or knives are in conflict with this
3 subdivision, are prohibited, and are hereby declared to be null and void.

4 II. Prohibit a duly organized law enforcement agency from enacting and enforcing
5 regulations pertaining to firearms, ammunition, ammunition components, firearm accessories or
6 knives issued to or used by peace officers in the course of their official duties.

7 III. Prohibit a court or administrative law judge from hearing and resolving any case or
8 controversy or issuing any opinion or order on a matter within the jurisdiction of that court or judge.

9 IV. Limit the authority of the legislative body of any city or town pursuant to RSA 644:13.

SB 249 - AS AMENDED BY THE SENATE

02/16/2022 0646s

2022 SESSION

22-2971
08/11

SENATE BILL **249**

AN ACT prohibiting planning and zoning ordinances that prohibit short-term rentals.

SPONSORS: Sen. French, Dist 7; Sen. Hennessey, Dist 1; Sen. Gannon, Dist 23; Sen. Cavanaugh, Dist 16; Sen. Giuda, Dist 2; Sen. Soucy, Dist 18; Sen. Reagan, Dist 17; Sen. D'Allesandro, Dist 20; Sen. Bradley, Dist 3; Sen. Prentiss, Dist 5; Rep. Hunt, Ches. 11; Rep. Potucek, Rock. 6; Rep. DiSilvestro, Hills. 9

COMMITTEE: Commerce

ANALYSIS

This bill prohibits municipalities from adopting ordinances that ban short-term rentals. This bill also allows municipalities to adopt ordinances requiring the owner of a short-term rental to register the name of a person in state who can receive service of process.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 249 - AS AMENDED BY THE SENATE

02/16/2022 0646s

22-2971
08/11

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT prohibiting planning and zoning ordinances that prohibit short-term rentals.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 New Paragraph; Zoning Ordinance; Grant of Power. Amend RSA 674:16 by inserting after
2 paragraph V the following new paragraph:

3 VI. Notwithstanding any provision of law to the contrary, no legislative body of a city, town,
4 or county in which there are located unincorporated towns or unorganized places, shall prohibit the
5 use of a building or structure as a vacation rental or short-term rental nor prohibit the use of such
6 structure or building as a vacation or short-term rental based on the structure or building's
7 classification, use, or occupancy. "Short-term rental" or "vacation rental" means any single-family or
8 2-family building or structure, regardless of how it is owned or occupied and regardless of whether
9 the building or structure is conforming or non-conforming, or offered in whole or in part for rental or
10 transient use. "Vacation rental" or "short-term rental" shall not mean recovery residences nor any
11 nonresidential use, including but not limited to, retail, restaurant, banquet, event hosting, hotels,
12 motels or other similar nonresidential uses. Nothing in this paragraph shall limit a municipality's
13 existing authority to generally regulate parking, noise, safety, health, sanitation, or other related
14 municipal ordinances under duly adopted ordinances and regulations authorized under state statute.

15 2 New Section; Powers of Towns; Ordinances; Short-term Rentals. Amend RSA 31 by inserting
16 after section 103-a the following new section:

17 31:103-b Short-Term Rentals.

18 I. A municipality may adopt an ordinance requiring an owner of residential property who
19 wishes to utilize the property for a vacation rental or short-term rental as defined in RSA 674:16, VI
20 to file, within 30 days of advertising such rental, a registration form with the town or city clerk of
21 the municipality in which the property is located providing the name, address and telephone number
22 of a person within the state who is authorized to accept service of process for any legal proceeding
23 brought against the owner relating to the rental property. Such person may be the owner of the
24 property. A municipality may establish a reasonable fee to cover the cost to the town or city clerk of
25 maintaining a record of the filings.

26 II. A municipality may adopt an ordinance which requires an inspection of the property to
27 determine if the property meets the minimum housing standards in RSA 48-A:14 or fire warning
28 device and carbon monoxide detection device as required in RSA 153:10-a, II. A property which has
29 filed a registration form with the municipality may be rented until an inspection and finding have
30 been issued. A municipality may establish a reasonable fee to cover all costs to the municipality of
31 conducting an inspection.

SB 249 - AS AMENDED BY THE SENATE

- Page 2 -

1 III. A municipality which has adopted an ordinance requiring registration shall not revoke
2 that registration unless the property has 2 or more proven violations of ordinances impacting the
3 health, safety, sanitation, noise, parking or other related municipal ordinances.

4 3 Effective Date. This act shall take effect July 1, 2022.

HB 1255 - AS INTRODUCED

2022 SESSION

22-2444
10/04

HOUSE BILL

1255

AN ACT

relative to teachers' loyalty.

SPONSORS:

Rep. A. Lekas, Hills. 37; Rep. Layon, Rock. 6; Rep. Cordelli, Carr. 4; Rep. Ammon, Hills. 40; Rep. T. Lekas, Hills. 37

COMMITTEE:

Education

ANALYSIS

This bill expands the prohibition on teacher advocacy of subversive doctrines.

Explanation:

Matter added to current law appears in ***bold italics***.

Matter removed from current law appears [~~in brackets and struck through.~~]

Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to teachers' loyalty.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Teachers' Loyalty; Prohibition Added. Amend RSA 191:1 to read as follows:

2 191:1 Advocacy of Subversive Doctrines Prohibited.

3 ***I.*** No teacher shall advocate communism, ***socialism, or Marxism*** as a political doctrine or
4 any other doctrine ***or theory*** which includes the overthrow by force of the government of the United
5 States or of this state in any public or state approved school or in any state institution.

6 ***II.*** ***No teacher shall advocate any doctrine or theory promoting a negative account***
7 ***or representation of the founding and history of the United States of America in New***
8 ***Hampshire public schools which does not include the worldwide context of now outdated***
9 ***and discouraged practices. Such prohibition includes but is not limited to teaching that***
10 ***the United States was founded on racism.***

11 ***III.*** ***A violation of this section shall be considered a violation of the New Hampshire***
12 ***code of ethics and code of conduct for educational professionals and shall justify***
13 ***disciplinary sanctions.***

14 2 Effective Date. This act shall take effect 60 days after its passage.