

MINUTES
City Council Legislative Subcommittee
Monday, March 7, 2022 at 10:00 a.m.
Conference Room A, 1 Junkins Ave., Portsmouth, NH

- I. Greeting: Mayor McEachern began the meeting at 10:03 a.m. Mayor McEachern, Assistant Mayor Kelley, Councilor Tabor, Councilor Cook, City Manager Karen Conard, Assistant City Attorney Ferrini, Representative Muse, Representative McBeath and Senator Perkins Kwoka attend the meeting in person. Representative Hamlet and Representative Ward attended remotely. The Mayor opened the meeting by thanking the Portsmouth Legislative Delegates for their service to the City.
- II. Approval of January 31, 2022 Minutes. Councilor Tabor moved and Councilor Cook seconded a Motion to approve the January 31, 2022 minutes. The **motion passed by unanimous** vote of the Committee.
- III. Legislative Delegation to discuss legislative issues of interest and requests for support:

Bills identified by Representative Muse:

Representative Muse commented that during this session there has been an active effort to pare back what municipalities can do and there has been an active effort to micromanage our public schools.

HB 1266- anti-sanctuary cities bill. Representative Muse stated that this bill was voted 11-10 Ought to Pass out of the House Criminal Justice Committee and is an attempt to repeal sanctuary cities. HB 1072- criminal penalties for denying elected school officials access to school facilities, documents or events. Representative Muse stated that this bill also passed out of the House Criminal Justice Committee Ought to Pass by a 11-10 vote. He explained that there were concerns about the bill because it raised concerns about the confidentiality of students' information. HB 1033- prohibition against using tax dollars for lobbying. Representative Muse stated that the bill passed the full House and was referred to Finance. He stated that it would eliminate the ability for the New Hampshire Municipal Association to lobby on behalf of municipalities, which would remove the ability of a municipality to be heard, taking away a critical voice. HB 1417- restores the state's obligation to fund 7.5% of retirement costs. Representative Muse stated that this bill passed the House and would be sent back to Finance. This bill puts some responsibility back on the state to fund retirement costs. SB 307- nullifies ordinances that prohibit possession of guns and knives on municipal property. Representative Muse stated that this bill has passed the House and was amended by the Senate and needs to go back to the House for either Motion to Concur or a Committee of Conference. He described the bill as permitting citizens the ability to claim a "civil bounty" if laws that conflict with the bill are enforced.

Councilor Tabor asked if HB 1033 would apply to municipalities like Portsmouth and other communities that have hired lobbyist, like CC2 to monitor education funding. Assistant Attorney Ferrini and Representative Muse replied that it would. Councilor Cook asked if it would prohibit staff and City Councilors from testifying because they received compensation funded through property taxes. Attorney Ferrini stated that there is a lobbying bill that carves out an exception for elected officials and would need to review the statute to confirm that staff could represent elected officials.

The Committee discussed HB 1266 and the Mayor stated that the practical effect of the bill would be to fail to support civil rights and opposing the bill would be supported by City Council Principles for Legislative Position # 15. Councilor Taber moved and Assistant Mayor Kelley seconded a motion to oppose HB 1266. The **motion passed by unanimous vote** of the Committee.

The Committee discussed HB 1072. The Mayor stated that the effect of the bill would be to limit local authority and opposing the bill would be supported by City Council Principles for Legislative Positions # 1. Councilor Cook moved and Councilor Taber seconded a motion to oppose HB 1072. The **motion passed by unanimous vote** of the Committee.

The Committee discussed HB 1033. The Mayor stated that this bill would also have the effect of reducing local control and opposing the bill would be supported by City Council Principles for Legislative Positions # 1. Assistant Mayor Kelley moved and Councilor Cook seconded a motion to oppose HB 1033. The **motion passed by unanimous vote** of the Committee.

The Committee discussed HB 1417. The Mayor stated that this bill would support revenue streams to aid municipalities and supporting the bill would be supported by City Council Principles for Legislative Positions # 5. Councilor Cook moved and Councilor Tabor seconded a motion to support HB 1417. The **motion passed by unanimous vote** of the Committee.

The Committee discussed SB 307. Representative Muse noted that federal law prohibits guns in schools and that local municipalities may seek assistance from federal law enforcement. Assistant Attorney Ferrini noted that the introductory language appeared to make current laws prohibiting guns on municipal property null and void, preempting existing ordinances, but there are several provisions in the bill that would allowed citizens to challenge ordinances that are contrary to the bill. She stated that the bill needs to be clarified as to whether those penalty provisions apply only to new ordinances that are passed after the bill takes effect. Representative Muse stated that the Senate amended the bill and to review the last Senate amendment to the bill. The Mayor stated that there is a provision in the bill that the Governor could remove an elected official from office and because he sets the Agenda, that would be him.

Assistant Mayor Kelley moved and Councilor Cook seconded a motion to oppose SB 307 by sending a letter to the Governor. The **motion passed by unanimous vote** of the Committee.

Update from Senator Perkins Kwoka.

Senator Perkins Kwoka noted that SB 441, a bill that would increase vehicle registration fees as a source of local revenue was voted Inexpedient to Legislate. She reported that SB 437, a bill that would give a % of motor vehicle violations to municipalities instead of those funds only going to the state had opposition due to concerns that there might be financial incentive for municipalities to issue motor vehicle violations. Notwithstanding that opposition, Senator Perkins Kwoka thought it would be good idea to bring the bill back next session. Senator Perkins Kwoka also reported that the original hotel occupancy bill, SB 348, was killed but there is an amendment to SB 343 that creates a study committee. The Senator then discussed the bills relative to offshore wind and the creation of an Office of Offshore Wind. She said the wind industry could create local jobs. She further noted that the location of wind turbines would be 3 miles off our coast. In New Hampshire, our coast is 3 miles past the Isles of Shoals so that would be 13 miles out. She noted this because the issue of turbines being constructed outside of “view” concerns local citizens.

IV. Discussion by Committee of legislative issues of interest and requests for support

The Committee and Senator Perkins Kwoka discussed SB 249, the short term rental bill. Senator Perkins Kwoka attempted to amend the bill prior to the Senate vote but did not have support. However, the Senator would assist in drafting an amendment to submit to the House. The Committee discussed ideas for an amendment, such as owner occupancy, defining owner as a single owner, which could include an absentee owner, residency requirements, permitting system, and caps on % of housing stock. The Mayor noted this bill is supported by the Association of Realtors and at a minimum, short term rentals are quasi commercial use. The Mayor stated that the City Assessor believes that passage of this bill would increase housing prices. The Mayor stated his objection to the bill was that it would remove long term rental units from the market and have a negative impact on housing affordability. He noted NH Housing Finance Authority has not taken a position on this bill. Senator Perkins Kwoka was going to reach out to discuss the bill with the NH Housing Finance Authority, noting that there is only a 1% vacancy across the state at present. Assistant Mayor Kelley noted that corporations would be coming in to purchasing housing stock. The Mayor noted that the benefit of the 64 new units of workforce housing PHA took years to create could be neutralized by this bill. The Mayor stated he will be working to set up a press conference on this bill in Concord and sought support from our legislative delegation. Councilor Cook asked the City to reach out to the hospitality lobby to see if they would lobby against the bill. Assistant Attorney Ferrini noted that the B & B industry has lobbied against the bill. The Committee

discussed that this bill, if passed as drafted, would create short term rentals in every single family and duplex in all zoning districts in the City.

Discussion of HB 1255 (a bill that expands prohibition on teachers from advancing “subversive doctrines”) and Assistant Mayor Kelley’s request for the Committee to consider writing a letter in opposition to the bill. The Committee discussed the bill which expands the prohibitions on teachers from advancing “subversive doctrines”. The Mayor noted that the bill would be supported by City Council Principles for Legislative Positions # 1, local authority, #15, supporting civil rights and # 16, using expertise and research in decision making.

Councilor Tabor moved and Councilor Cook seconded a motion to oppose HB 1255. The **motion passed by unanimous vote** of the Committee.

The Mayor noted the importance of Senator Clark bringing the petition for freeing slaves posthumously and noted that this might be viewed as a divisive concept.

Assistant Attorney Ferrini noted other bills the City was tracking. She noted the delegates had received an eloquent email from Attorney Peter Loughlin urging them to oppose HB 1033. She stated she would send that email to the Committee. She also discussed HB 1073, a bill that would remove attorney client work product from the exception to 91-A requests. NHMA was opposing the bill. In addition, she discussed HB 1268, a bill that would restrict a municipality’s ability to pass ordinances under RDA 47:17, stating that the bill would limit that general authority to nuisance matters. She noted similar restrictions on the authority of health officers under HB 1272.

The Committee discussed redistricting. The Mayor noted that it was the first time since 1847 that we would not be in Congressional first district. Assistant Mayor Kelley moved and Councilor Tabor seconded a motion to oppose the redistricting maps. The **motion passed by unanimous vote of the Committee**. Councilor Cook asked that the letter note the negative impact on regional planning, like the federal funds for Coast buses.

V. Discussion of Legislation of Interest to Mayors’ Roundtable.

The Mayor noted that there was not uniform support on the short term rental bill with the Mayors’ Roundtable. He stated that NHMA frequently joins the Roundtable meetings. He noted that during the Mayors’ Roundtable that the Governor stated he supports the legislature and does not personally follow the bills during the session. The Mayor noted that the group was an effective lobbying group and asked the legislative delegation to reach out to him on bills of interest for the Mayors’ Roundtable to discuss.

V. Update on Coalition Communities 2.0.

Assistant Attorney Ferrini stated that bills to change the formula have not had success this session but there are house bills that have been retained in committee

that address funding formulas. She discussed the Committee's request to schedule a Legislative Subcommittee meeting with Chris Dwyer to discuss the Commission on Education Funding's Report and budgetary impacts from Education Freedom Accounts generally. She stated that she has reached out to the School Department on that issue. The Committee confirmed a meeting date of March 28, 2022 for the next Legislative Subcommittee meeting on school funding.

VII. Adjournment. The Committee voted to adjourn the meeting at 11:24 a.m.

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