



# LEGISLATIVE SUMMARY

## 2023

**AUGUST 23, 2023**



# Bills of interest to the City

## Revenue generating bills for municipalities

- SB 262-Hotel Occupancy

*ITL*

## Childcare

- SB 221 - Study Committee daycare affordability and access

*Retained in Committee*

- SB 170- Adding several definitions of small group child daycare centers and family daycare homes to definition of child care to encourage creation of new daycare centers

*Passed Chapter 218*

## Housing

- SB 244- Housing Opportunity Zones- A bill that would have permitted municipalities to require 20% of new construction in Housing Opportunity Zones to be workforce housing

*Re-referred*

- SB 47- Commission to study housing density-

*Did not make out of Committee of Conference*

## Tenants' Rights

All bills attempting to create greater notice and rights for tenants failed except for SB 235 - a bill that creates a study committee to consider creating a mediation program for landlord tenant issues

*Passed Chapter 31*

## Municipal liability and local authority

- HB 647 - Elimination of governmental immunity - *Tabled*
- HB 292 - Theft by public servant. Created right of action against public servant for payment of defense of legal claim except if approved in public session - *ITL*
- HB 51 - Restrictions on lobbying- *ITL*
- HB 361 - Pease Board to add representatives from Rye and New Castle  
*Retained in Committee*

## Legalization of Cannabis

- HB 544 - Legalize cannabis for retail sale - *Retained in Committee*
  - HB 639 - Legalize cannabis and regulate and associated appropriations - *ITL*
  - HB 643 - Legalize cannabis for over 21 - *ITL*
  - HB 360 - Legalize cannabis for over 21 - *Tabled*
  - HB 611 - Establishes eligibility criteria for the therapeutic cannabis program and establishes a commission to study state-controlled sales of cannabis and the prohibition on the sale of hemp products containing certain levels of THC
- Passed Chapter 237*
- Report out December 1, 2023

## Retirement

- HB 50 and SB 114 - Payment by state of a portion of retirement system contributions of political subdivision employers - *Tabled*

*Note - HB 50 was added to HB 2 with support to appropriate \$50 million to reduce the unfunded actuarial accrued liability - Removed from HB 2*

- SB 57 - Changes retirement eligibility from age 65 to member's full retirement age for Social Security - *Passed included in HB 2*
- SB 205 - Relative to a cost-of-living adjustment for retirees who have been retired for 60 months - *Passed included in HB 2*
- HB 555 - Portion of state surplus towards payment of unfunded accrued liability - *Tabled*
- HB 278- Penalty assessed against municipalities for not filing employer compensation reports - *Passed as Chapter 63*
- **\*\*HB 461** - Creates committee to study elimination by municipalities of a retirement position
- **\*\*HB 436** - Creates a commission to study retirement benefits and retention of employees

**\*\***Both of these bills were amended in HB 2 to create study committees. Both bills as originally written would have had a fiscal impact on municipal budgets. HB 436 as originally drafted would have added vesting to certain police and fire employees (1,824 members) which state would have funded municipal portion for next 20 years. Risk is that one legislature can't obligate another and concern was that costs would be passed on to municipalities

# New Laws

## Assessing and Exemptions

- HB 237 - Clarification of date of asset evaluation for purposes of determining eligibility for property tax exemption for the disabled, deaf and elderly  
*Passed as Chapter 39*
- HB 197- Clarifies formula for persons claiming tax exemption if they own a fractional interest in property  
*Passed as Chapter 119*
- SB 16- Creates stakeholders' group to address utility poles (could recommend changes in how these utilities are taxed)  
*Passed as Chapter 138*

## Miscellaneous

- HB 286- Clarifies that member of candidate's campaign or local political committee of same party may remove political signs  
*Passed as Chapter 41*
- SB 103- Includes the raid on Fort William and Mary in Portsmouth in the planning of the America Revolution Sestercentennial Commission  
*Passed as Chapter 160*
- SB 110- Clarifies residency for recipients of welfare  
*Passed as Chapter 161*
- HB 296- Clarifies land use boards authority to regulate driveways notwithstanding certain fire code regulations  
*Passed Chapter 187*
- HB 42- Clarifies homeowner's associations may not dissolve if approved by land use board without a hearing  
*Passed Chapter 114*

## ConVal Litigation Update

Case submitted. Decision likely rendered in September. The Petitioners argue that the adequacy statute is unconstitutional and challenged both the definition of adequacy and the cost to provide it. The Petitioners believe that the cost of school nurses, transportation, school facilities, custodians, and other costs associated with the Administrative Rules that govern minimum standards for public schools, should all be paid by the state and are included in adequacy. If those costs are included, the Petitioners argue that the adequacy amount per child is insufficient and needs to be increased, relieving the burden on local communities, especially those that need to raise significant funds in amounts that vary greatly from one community to another through the assessment of the local education taxes. The state argues that those costs are not defined as adequacy in the statute challenged in the lawsuit, and as such, are specifically excluded from adequacy. The state argues the state may only interpret and enforce statutes enacted by the legislature, basing its defense of this lawsuit on arguments relative to statutory construction and separation of powers.



## *Rand v. State Update*

There was a hearing last month on cross motions for summary judgment. The Coalition Communities 2.0, of which Portsmouth is a member, intervened on the narrow issue of the constitutionality of the retention of excess SWEPT. The Petitioners claim that the retention of excess SWEPT is unconstitutional and that those funds should be remitted to the Education Trust Fund. The State argues that the Petitioners lack standing, and that SWEPT is constitutional as it is uniform in rate, reasonable, and proportional. All other matters are stayed until order on ConVal and order on cross motion for summary judgment issued.