

LEGISLATIVE COMMITTEE MINUTES

SB53

Bill as
Introduced

SB 53 - AS INTRODUCED

2021 SESSION

21-0876

05/10

SENATE BILL

53

AN ACT

enabling municipalities to establish a community preservation and resilience program funded in part through a surcharge on real property.

SPONSORS:

Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Prentiss, Dist 5; Sen. Sherman, Dist 24; Rep. Mangipudi, Hills. 35; Rep. Southworth, Straf. 20

COMMITTEE:

Election Law and Municipal Affairs

ANALYSIS

This bill enables municipalities to establish a community preservation and resilience program and fund through adoption of a surcharge on real property.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT enabling municipalities to establish a community preservation and resilience program funded in part through a surcharge on real property.

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

1 Title. This act may be known and cited as "New Hampshire Community Preservation and
2 Resilience Act".

3 Findings. The state of New Hampshire finds that it is a public good to encourage community
4 preservation and resilience by enabling communities to direct funding to preservation, open spaces,
5 recreation, community housing, renewable energy, and mitigation of environmental challenges.

6 New Chapter; Community Preservation and Resilience Program. Amend RSA by inserting
7 after chapter 53-G the following new chapter:

8 CHAPTER 53-H

9 COMMUNITY PRESERVATION AND RESILIENCE PROGRAM

10 53-H:1 Definitions. In this chapter:

11 I. "Acquire" means obtain by gift, purchase, devise, grant, rental, rental purchase, lease or
12 otherwise. "Acquire" shall not include a taking by eminent domain, except as provided in this
13 chapter.

14 II. "Annual income" means a family's or person's gross annual income less such reasonable
15 allowances for dependents, other than a spouse, and for medical expenses as the housing authority
16 or, in the event that there is no housing authority, the department of housing and community
17 development, determines.

18 III. "Capital improvement" means reconstruction or alteration of real property that:
19 materially adds to the value of the real property or appreciably prolongs the useful life of the real
20 property; becomes part of the real property or is permanently affixed to the real property so that
21 removal would cause material damage to the property or article itself; and is intended to become a
22 permanent installation or is intended to remain there for an indefinite period of time.

23 IV. "Community housing" means low and moderate income housing for individuals and
24 families, including low or moderate income senior housing.

25 V. "Community preservation" means the acquisition, creation and preservation of open
26 space, the acquisition, creation and preservation of historic resources and the creation and
27 preservation of community housing.

28 VI. "Community resilience" means the development of municipal renewable energy
29 resources and the mitigation of environmental impacts due to extreme precipitation, storm surge,
30 sea-level rise, and nitrogen deposition.

1 VII. "Community preservation and resilience committee" means the committee established
2 by the legislative body of a city or town to make recommendations for community preservation, as
3 provided in RSA 53-H:4.

4 VIII. "Community preservation and resilience fund" means the municipal fund established
5 under RSA 53-H:6.

6 IX. "CPR" means community preservation and resilience.

7 X. "Historic resources" means a building, structure, vessel real property, document or
8 artifact that is listed on the state or national registers of historic places or has been determined by
9 the local historic preservation commission to be significant in the history, archeology, architecture or
10 culture of a city or town.

11 XI. "Low income housing" means housing for those persons and families whose annual
12 income is less than 80 percent of the area-wide median income. The area-wide median income shall
13 be the area-wide median income as determined by the United States Department of Housing and
14 Urban Development.

15 XII. "Low or moderate income senior housing", housing for those persons having reached the
16 age of 60 or over who would qualify for low or moderate income housing.

17 XIII. "Maintenance" means incidental repairs which neither materially add to the value of
18 the property nor appreciably prolong the property's life, but keep the property in a condition of
19 fitness, efficiency or readiness.

20 XIV. "Moderate income housing" means housing for those persons and families whose
21 annual income is less than 100 percent of the area-wide median income. The area-wide median
22 income shall be the areawide median income as determined by the United States Department of
23 Housing and Urban Development.

24 XV. "Open space" shall include, but not be limited to, land to protect existing and future well
25 fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land,
26 fresh and saltwater marshes and other wetlands, ocean, river, stream, lake and pond frontage,
27 beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature
28 preserve and land for recreational use.

29 XVI. "Preservation" means protection of personal or real property from injury, harm, or
30 destruction.

31 XVII. "Real property" means land, buildings, appurtenant structures and fixtures attached
32 to buildings or land, including, where applicable, real property interests.

33 XVIII. "Real property interest" means a present or future legal or equitable interest in or to
34 real property, including easements and restrictions, and any beneficial interest therein, including
35 the interest of a beneficiary in a trust which holds a legal or equitable interest in real property, but
36 shall not include an interest which is limited to the following: an estate at will or at sufferance and
37 any estate for years having a term of less than 30 years; the reversionary right, condition or right of

1 entry for condition broken; the interest of a mortgagee or other secured party in a mortgage or
2 security agreement.

3 XIX. "Recreational use" means active or passive recreational use including, but not limited
4 to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the
5 use of land as a park, playground or athletic field. "Recreational use" shall not include horse or dog
6 racing or the use of land for a stadium, gymnasium or similar structure.

7 XX. "Rehabilitation" means capital improvements, or the making of extraordinary repairs,
8 to historic resources, open spaces, lands for recreational use and community housing for the purpose
9 of making such historic resources, open spaces, lands for recreational use and community housing
10 functional for their intended uses including, but not limited to, improvements to comply with the
11 Americans with Disabilities Act and other federal, state or local building or access codes; provided,
12 that with respect to historic resources, "rehabilitation" shall comply with the Standards for
13 Rehabilitation stated in the United States Secretary of the Interior's Standards for the Treatment of
14 Historic Properties codified in 36 C.F.R. Part 68; and provided further, that with respect to land for
15 recreational use, "rehabilitation" shall include the replacement of playground equipment and other
16 capital improvements to the land or the facilities thereon which make the land or the related
17 facilities more functional for the intended recreational use.

18 XXI. "Support of community housing" shall include, but not be limited to, programs that
19 provide grants, loans, rental assistance, security deposits, interest-rate write downs or other forms of
20 assistance directly to individuals and families who are eligible for community housing or to an entity
21 that owns, operates or manages such housing, for the purpose of making housing affordable.

22 XXII. "Municipal renewable energy" shall include projects involving solar, hydro-electric,
23 and biomass renewable energy generation, as well as energy storage, that will benefit exclusively the
24 municipality.

25 XXIII. "Environmental mitigation" shall include projects to mitigate the effects of extreme
26 precipitation, storm surge, sea-level rise, and nitrogen pollution of water resources.

27 53-H:2 Adoption Procedure.

28 I. This chapter shall take effect in any city or town upon the approval by the legislative body
29 and their acceptance by the voters of a ballot question as set forth in this section.

30 (a) Notwithstanding RSA 76 or any other general or special law to the contrary, the
31 legislative body may vote to accept RSA 53-H:2-53-H:6, inclusive, by approving a surcharge on real
32 property of not more than 2 percent of the real estate tax levy, exclusive of the statewide education
33 tax, against real property, as determined annually by the board of assessors. The amount of the
34 surcharge shall not be included in a calculation of total taxes assessed for purposes of RSA 76.

35 (b) Notwithstanding RSA 76 or any other general or special law to the contrary, as an
36 alternative to subparagraph (a), the legislative body may vote to accept RSA 53-H:3-53-H:6,
37 inclusive, by approving a surcharge on real property of not less than one percent of the real estate

1 tax levy against real property and making an additional commitment of funds by dedicating revenue
2 not greater than one percent of the real estate tax levy against real property; provided, however, that
3 additional funds so committed shall come from other sources of municipal revenue including, but not
4 limited to, linkage fees, the sale of municipal property, existing open space and historic preservation
5 funds, however authorized, and gifts received from private sources for community preservation and
6 resilience purposes; and provided further, that additional funds so committed shall not include any
7 federal or state funds. The total funds committed to purposes authorized under this chapter by
8 means of this subsection shall not exceed 2 percent of the real estate tax levy against real property,
9 less exemptions, adopted.

10 II. All exemptions under RSA 72 and abatements of real property authorized by RSA 76 or
11 any other law for which a taxpayer qualifies as eligible shall not be affected by this chapter. The
12 surcharge to be paid by a taxpayer receiving an exemption under RSA 72 or abatement of real
13 property authorized by RSA 76 or any other law shall be reduced in proportion to the amount of such
14 exemption or abatement.

15 III. Any amount of the surcharge not paid by the due date shall bear interest at the rate per
16 annum provided in RSA 76:13.

17 IV.(a) The legislative body may also vote to accept one or more of the following exemptions
18 from the surcharge:

19 (1) For property owned and occupied as a domicile by a person who would qualify for
20 low income housing or low or moderate income senior housing in the city or town;

21 (2) For property used for commercial or industrial purposes.

22 (3) For \$100,000 of the value of each taxable parcel of residential real property; or

23 (4) For \$100,000 of the value of each taxable parcel of commercial property or
24 industrial property.

25 (b) A person claiming an exemption provided under this paragraph may apply to the
26 board of assessors, in writing, on a form approved by the commissioner of the department of revenue
27 administration, on or before the deadline for an application for exemption under RSA 72. Any
28 person aggrieved by the decision of the assessors, or by their failure to act, upon such application,
29 may appeal as provided in RSA 72. Applications for exemption under this chapter shall be open for
30 inspection only as provided in RSA 72.

31 V.(a) A city or town may adopt the provisions of RSA 53-H:2 - 53-H:6, inclusive, in the
32 following manner:

33 (1) In a town, other than a town that has adopted a charter pursuant to RSA 49-D,
34 the question shall be placed on the warrant of a special or annual town meeting, by the governing
35 body or by petition pursuant to RSA 39:3.

36 (2) In a city or town that has adopted a charter pursuant to RSA 49-C or RSA 49-D,
37 the legislative body may consider and act upon the question in accordance with its normal

1 procedures for passage of resolutions, ordinances, and other legislation. In the alternative, the
2 legislative body of such municipality may vote to place the question on the official ballot for any
3 regular municipal election.

4 (b) The vote shall specify the percentage of the surcharge to be imposed. If a majority of
5 those voting on the question vote "yes," the surcharge shall take effect within the town or city, on the
6 date set by the governing body, or in the tax year beginning April 1 following its adoption, whichever
7 shall occur first.

8 53-H:3 Surcharge on Real Property; Collection.

9 I. Upon acceptance of RSA 53-H:2-53-H:6, inclusive, and upon the assessors' warrant to the
10 tax collector, the accepted surcharge shall be imposed.

11 II. After receipt of the warrant, the tax collector shall collect the surcharge in the amount
12 and according to the computation specified in the warrant and shall pay the amounts so collected,
13 quarterly or semi-annually, according to the schedule for collection of property taxes for the tax on
14 real property, to the city's or town's treasurer. The tax collector shall cause appropriate books and
15 accounts to be kept with respect to such surcharge, which shall be subject to public examination
16 upon reasonable request from time to time.

17 53-H:4 Community Preservation and Resilience Committee; Members; Recommendations.

18 I. A city or town that adopts RSA 53-H:2-53-H:6, inclusive, shall establish by ordinance or
19 by-law a community preservation and resilience committee. The committee shall consist of not less
20 than 5 nor more than 9 members. The ordinance or by-law shall determine the composition of the
21 committee, the length of its term and the method of selecting its members, whether by election or
22 appointment or by a combination thereof.

23 II.(a) The community preservation and resilience committee shall study the needs,
24 possibilities, and resources of the city or town regarding community preservation and resilience,
25 including the consideration of regional projects for community preservation and resilience. The
26 committee shall consult with existing municipal boards, including the conservation commission, the
27 historical commission, the planning board, the board of park commissioners, the housing authority,
28 public works committees, energy or environmental committees, or persons acting in those capacities
29 or performing like duties, in conducting such studies. As part of its study, the committee shall hold
30 one or more public informational hearings on the needs, possibilities and resources of the city or
31 town regarding community preservation and resilience possibilities and resources, notice of which
32 shall be posted publicly and published for each of 2 weeks preceding a hearing in a newspaper of
33 general circulation in the city or town.

34 (b) The community preservation and resilience committee shall make recommendations
35 to the legislative body for the acquisition, creation and preservation of open space; for the
36 acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition,
37 creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition,

1 creation, preservation and support of community housing; for the creation of renewable energy
2 projects, for environmental mitigation projects, and for the rehabilitation or restoration of open
3 space and community housing that is acquired or created as provided in this section; provided,
4 however, that funds expended pursuant to this chapter shall not be used for maintenance. With
5 respect to community housing, the community preservation and resilience committee shall
6 recommend, whenever possible, the reuse of existing buildings or construction of new buildings on
7 previously developed sites. The committee shall establish guidelines and strategies for selecting
8 priorities for expenditures among the categories enumerated in this section. Recommendations to
9 the legislative body shall include their anticipated costs.

10 (c) The community preservation and resilience committee may include in its
11 recommendation to the legislative body a recommendation to set aside for later spending funds for
12 specific purposes that are consistent with community preservation but for which sufficient revenues
13 are not then available in the community preservation and resilience fund to accomplish that specific
14 purpose or to set aside for later spending funds for general purposes that are consistent with
15 community preservation and resilience.

16 III. After receiving recommendations from the community preservation committee, the
17 legislative body shall take such action and approve such appropriations from the community
18 preservation and resilience fund as set forth in RSA 53-H:6, and such additional non-community
19 preservation and resilience fund appropriations as it deems appropriate to carry out the
20 recommendations of the community preservation and resilience committee. In the case of a city, the
21 ordinance shall provide for the mechanisms under which the legislative body may approve or veto
22 appropriations made pursuant to this chapter, in accordance with the city charter.

23 IV. A city or town may appropriate money in any year from the community preservation and
24 resilience fund to an affordable housing trust fund.

25 53-H:5 Annual Revenues; Open Space, Historic Resources and Community Housing.

26 I. In each fiscal year and upon the recommendation of the community preservation and
27 resilience committee, the legislative body shall expend, or set aside for later spending funds. In each
28 fiscal year, the legislative body shall make appropriations from the community preservation and
29 resilience fund as it deems necessary for the administrative and operating expenses of the
30 community preservation and resilience committee and such appropriations shall not exceed 5
31 percent of the annual revenues in the community preservation and resilience fund. The legislative
32 body may also make appropriations from the community preservation and resilience fund as it
33 deems necessary for costs associated with tax billing software and outside vendors necessary to
34 integrate such software for the first year that a city or town implements the this chapter; provided,
35 however, that the total of any administrative and operating expenses of the community preservation
36 and resilience committee and the first year implementation expenses shall not exceed 5 percent of
37 the annual revenues in the community preservation and resilience fund.

1 II. Funds that are set aside shall be held in the community preservation and resilience fund
2 and spent in that year or later years; provided, however, that funds set aside for a specific purpose
3 shall be spent only for the specific purpose. Any funds set aside may be expended in any city or
4 town. The community preservation and resilience funds shall not replace existing operating funds,
5 only augment them.

6 53-H:6 Community Preservation and Resilience Fund. A city or town that adopts RSA 53-H:2-
7 53-H:6, inclusive, shall establish a separate account to be known as the community preservation and
8 resilience fund of which the municipal treasurer shall be the custodian. The authority to approve
9 expenditures from the fund shall be limited to the legislative body and the municipal treasurer shall
10 pay such expenses authorized by the legislative body. The following moneys shall be deposited in the
11 fund: (i) all funds collected from the real property surcharge or bond proceeds in anticipation of
12 revenue pursuant to RSA 53-H:3 or RSA 53-H:10; (ii) additional funds appropriated or dedicated
13 from allowable municipal sources pursuant to RSA 53-H:2, I(b), if applicable; (iii) all funds received
14 from the state or any other source for such purposes; and (iv) proceeds from the disposal of real
15 property acquired with funds from the community preservation and resilience fund. The treasurer
16 may deposit or invest the proceeds of the fund in the state investment pool under RSA 383:22, in
17 savings banks, trust companies incorporated under the laws of the state, banking companies
18 incorporated under the laws of the state which are members of the Federal Deposit Insurance
19 Corporation or national banks, or may invest the proceeds in paid up shares of savings and loan
20 associations or in shares of federal savings and loan associations doing business in the state, and any
21 income therefrom shall be credited to the fund. The expenditures from the fund shall be limited to
22 implementing the recommendations of the community preservation and resilience committee and
23 providing administrative and operating expenses to the committee.

24 53-H:7 General Obligation Bonds or Notes.

25 I. A city or town that adopts RSA 53-H:2 - 53-H:6, inclusive, may issue, from time to time,
26 general obligation bonds or notes in anticipation of revenues to be raised pursuant to RSA 53-H:2,
27 the proceeds of which shall be deposited in the community preservation and resilience fund. Bonds
28 or notes so issued may be at such rates of interest as shall be necessary and shall be repaid as soon
29 after such revenues are collected as is expedient. Cities or towns that choose to issue bonds
30 pursuant to this section shall make every effort to limit the administrative costs of issuing such
31 bonds by cooperating among each other using methods including, but not limited to, common
32 issuance of bonds or common retention of bond counsel. Except as otherwise provided in this
33 chapter, bonds or notes issued pursuant to this section shall be subject to the applicable provisions of
34 RSA 44. The maturities of each issue of bonds or notes issued under this chapter may be arranged
35 so that for each issue the amounts payable in the several years for principal and interest combined
36 shall be as nearly equal as practicable in the opinion of the officers authorized to issue bonds or

1 notes or, in the alternative, in accordance with a schedule providing for a more rapid amortization of
2 principal.

3 53-H:8 Real Property Interest; Permanent Restriction; Management.

4 I. A real property interest that is acquired with moneys from the community preservation
5 and resilience fund shall be bound by a permanent restriction, recorded as a separate instrument,
6 limiting the use of the interest to the purpose for which it was acquired. The permanent restriction
7 shall run with the land and shall be enforceable by the city or town or the state. The permanent
8 restriction may also run to the benefit of a nonprofit organization, charitable corporation or
9 foundation selected by the city or town with the right to enforce the restriction. The legislative body
10 may appropriate monies from the community preservation and resilience fund to pay a nonprofit
11 organization to hold, monitor and enforce the deed restriction on the property.

12 II. Real property interests acquired under this chapter shall be owned and managed by the
13 city or town, but the legislative body may delegate management of such property to the conservation
14 commission, the historical commission, the board of park commissioners or the housing authority, or,
15 in the case of interests to acquire sites for future wellhead development by a water district, a water
16 supply district or a fire district. The legislative body may also delegate management of such
17 property to a nonprofit organization.

18 53-H:9 Accurate Account of Recommendations and Actions; Records of Appropriations and
19 Expenditures and of Real Property Interests. The community preservation and resilience committee
20 shall keep a full and accurate account of all of its actions, including its recommendations and the
21 action taken on them and records of all appropriations or expenditures made from the community
22 preservation and resilience fund. The committee shall also keep records of any real property
23 interests acquired, disposed of or improved by the city or town upon its recommendation, including
24 the names and addresses of the grantors or grantees and the nature of the consideration. The
25 records and accounts shall be public records.

26 53-H:10 Tort Liability for Destruction of Real Property Purchased with CPR Funds.

27 I. A person who, without permission, knowingly carries away or steals, mutilates, destroys,
28 damages, causes to be damaged or cuts any tree, shrub, grass or any other portion of real property
29 purchased by a city or town with funds derived from this chapter shall be liable to the city or town in
30 tort for such actions.

31 II. Damages, including punitive damages for willful or wanton violation of this chapter or
32 any rule or regulation issued or adopted hereunder, may be recovered in a civil action brought by the
33 city or town or, upon request of the city or town, by the attorney general. The city or town or, upon
34 request of the city or town, the attorney general, may bring an action for injunctive relief against any
35 person violating this chapter or any rule or regulation issued hereunder. The superior court shall
36 have jurisdiction to enjoin violations, to award damages and to grant such further relief as it may
37 deem appropriate.

1 III. Any damages, penalties, costs or interest thereon recovered pursuant to this section
2 shall be deposited into the community preservation and resilience fund of the city or town in which
3 the violation occurred.

4 53-H:11 Amendments to Amount and Computation of Surcharge; Revocation Procedure.

5 I. At any time after imposition of the surcharge, the legislative body may approve and the
6 voters may accept an amendment to the amount and computation of the surcharge, or to the amount
7 of exemption or exemptions, in the same manner and within the limitations set forth in this chapter,
8 including committing additional municipal funds pursuant to RSA 53-H:2, I(b).

9 II. At any time after the expiration of 5 years after the date on which RSA 53-H:2 - 53-H:6,
10 inclusive, have been adopted in a city or town, the sections may be revoked in the same manner as
11 they were accepted by such city or town, but the surcharge imposed under RSA 53-H:2 shall remain
12 in effect in any such city or town, with respect to unpaid taxes on past transactions and with respect
13 to taxes due on future transactions, until all contractual obligations incurred by the city or town
14 prior to such termination shall have been fully discharged.

15 53-H:12 Rulemaking. The commissioner of the department of revenue administration may
16 adopt rules under RSA 541-A to effect the purposes of this chapter.

17 2 Effective Date. This act shall take effect 60 days after its passage.

SB 53 - AS AMENDED BY THE SENATE

01/05/2022 2297s

2021 SESSION

21-0876

05/10

SENATE BILL **53**

AN ACT relative to confidentiality of department of revenue administration records.

SPONSORS: Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Prentiss, Dist 5; Sen. Sherman, Dist 24; Rep. Mangipudi, Hills. 35; Rep. Southworth, Straf. 20

COMMITTEE: Election Law and Municipal Affairs

AMENDED ANALYSIS

This bill provides that certain records relative to the assessing standards board and the certification of assessors shall be exempt from department of revenue administration confidentiality requirements.

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 One

AN ACT relative to confidentiality of department of revenue administration records.

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

1 1 Department of Revenue Administration; Confidentiality of Department Records; Exemptions.

2 Amend RSA 21-J:14, IV(a) to read as follows:

3 (a) Municipal service and regulatory responsibilities including, but not limited to,
4 responsibilities under RSA 21-J:15[-24] *through 21-J:24 and records pertaining to the*
5 *certification and decertification of assessors under RSA 21-J:14-a, 21-J:14-b, 21-J:14-f, and*
6 *21-J:14-g.*

7 2 Effective Date. This act shall take effect upon its passage.

CHAPTER 123
SB 53 - FINAL VERSION

01/05/2022 2297s

2022 SESSION

21-0876
05/10

SENATE BILL

53

AN ACT

relative to confidentiality of department of revenue administration records.

SPONSORS:

Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Prentiss, Dist 5; Sen. Sherman, Dist 24; Rep. Mangipudi, Hills. 35; Rep. Southworth, Straf. 20

COMMITTEE:

Election Law and Municipal Affairs

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CHAPTER 123
SB 53 - FINAL VERSION

01/05/2022 2297s

21-0876
05/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to confidentiality of department of revenue administration records.

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

1 123:1 Department of Revenue Administration; Confidentiality of Department Records; Exemptions.

2 Amend RSA 21-J:14, IV(a) to read as follows:

3 (a) Municipal service and regulatory responsibilities including, but not limited to,
4 responsibilities under RSA 21-J:15[-24] ***through 21-J:24 and records pertaining to the certification and***
5 ***decertification of assessors under RSA 21-J:14-a, 21-J:14-b, 21-J:14-f, and 21-J:14-g.***

123:2 Effective Date. This act shall take effect upon its passage.

Approved: May 27, 2022

Effective Date: May 27, 2022

Amendments

Sen. Gray, Dist 6
September 15, 2021
2021-2124s
05/10

Amendment to SB 53

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to confidentiality of department of revenue administration records.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Department of Revenue Administration; Confidentiality of Department Records; Exemptions.

8 Amend RSA 21-J:14, IV(a) to read as follows:

9

10 (a) Municipal service and regulatory responsibilities including, but not limited to,
responsibilities under RSA *21-J:14-a*, *21-J:14-b*, *21-J:14-f*, *21-J:14-g*, and 21-J:15-24.

11

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

2021-2124s

AMENDED ANALYSIS

This bill provides that certain records relative to the assessing standards board and the certification of assessors shall be exempt from department of revenue administration confidentiality requirements.

UNAPPROVED

Election Law and Municipal Affairs
October 26, 2021
2021-2221s
05/10

Amendment to SB 53

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to confidentiality of department of revenue administration records.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Department of Revenue Administration; Confidentiality of Department Records; Exemptions.

8 Amend RSA 21-J:14, IV(a) to read as follows:

9 (a) Municipal service and regulatory responsibilities including, but not limited to,

10 responsibilities under RSA *21-J:14-a*, *21-J:14-b*, *21-J:14-f*, *21-J:14-g*, **and** 21-J:15-24.

11 2 Effective Date. This act shall take effect upon its passage.

Amendment to SB 53

- Page 2 -

2021-2221s

AMENDED ANALYSIS

This bill provides that certain records relative to the assessing standards board and the certification of assessors shall be exempt from department of revenue administration confidentiality requirements.

Sen. Gray, Dist 6
December 28, 2021
2021-2297s
05/10

Floor Amendment to SB 53

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to confidentiality of department of revenue administration records.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 Department of Revenue Administration; Confidentiality of Department Records; Exemptions.

8 Amend RSA 21-J:14, IV(a) to read as follows:

9 (a) Municipal service and regulatory responsibilities including, but not limited to,
10 responsibilities under RSA 21-J:15[-24] *through 21-J:24 and records pertaining to the*
11 *certification and decertification of assessors under RSA 21-J:14-a, 21-J:14-b, 21-J:14-f, and*
12 *21-J:14-g.*

13 2 Effective Date. This act shall take effect upon its passage.

2021-2297s

AMENDED ANALYSIS

This bill provides that certain records relative to the assessing standards board and the certification of assessors shall be exempt from department of revenue administration confidentiality requirements.

Committee Minutes

SENATE CALENDAR NOTICE
Election Law and Municipal Affairs

Sen James Gray, Chair
Sen Regina Birdsell, Vice Chair
Sen Ruth Ward, Member
Sen Donna Soucy, Member
Sen Rebecca Perkins Kwoka, Member

Date: January 20, 2021

HEARINGS

Thursday	01/28/2021	
(Day)	(Date)	
Election Law and Municipal Affairs	REMOTE 000	9:00 a.m.
(Name of Committee)	(Place)	(Time)
9:00 a.m.	SB 52	relative to city charter provisions for tax caps.
9:15 a.m.	SB 53	enabling municipalities to establish a community preservation and resilience program funded in part through a surcharge on real property.
9:45 a.m.	SB 80-FN-A	establishing an independent advisory commission on redistricting.

Committee members will receive secure Zoom invitations via email.

Members of the public may attend using the following links:

1. Link to Zoom Webinar: <https://www.zoom.us/j/92138850239>
2. To listen via telephone: Dial (for higher quality, dial a number based on your current location): 1-301-715-8592, or 1-312-626-6799 or 1-929-205-6099, or 1-253-215-8782, or 1-346-248-7799, or 1-669-900-6833
3. Or iPhone one-tap: US: 13126266799, 92138850239# or 16465588656, 92138850239#
4. Webinar ID: [921 3885 0239](https://www.zoom.us/j/92138850239)
5. To view/listen to this hearing on YouTube, use this link:
<https://www.youtube.com/channel/UCjBZdtrjRnQdmg-2MPMiWrA>
6. To sign in to speak, register your position on a bill and/or submit testimony, use this link:
<http://gencourt.state.nh.us/remotecommittee/senate.aspx>

The following email will be monitored throughout the meeting by someone who can assist with and alert the committee to any technical issues: remotesenate@leg.state.nh.us or call (603-271-6931).

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 52

Sen. Avard

Sen. Giuda

Rep. Pauer

Rep. Homola

SB 53

Sen. Watters

Sen. Perkins Kwoka

Sen. Prentiss

Sen. Sherman

Rep. Mangipudi

Rep. Southworth

SB 80-FN-A

Sen. Sherman

Sen. Kahn

Rep. M. Smith

Sen. D'Allesandro

Sen. Rosenwald

Sen. Perkins Kwoka

Sen. Soucy

Sen. Watters

Sen. Whitley

Rep. Wolf

Tricia Melillo 271-3077

James P. Gray
Chairman

Senate Election Law and Municipal Affairs Committee
Tricia Melillo 271-3077

SB 53, enabling municipalities to establish a community preservation and resilience program funded in part through a surcharge on real property.

Hearing Date: January 28, 2021

Members of the Committee Present: Senators Gray, Birdsell, Ward, Soucy and Perkins Kwoka

Members of the Committee Absent : None

Bill Analysis: This bill enables municipalities to establish a community preservation and resilience program and fund through adoption of a surcharge on real property.

Sponsors:

Sen. Watters
Sen. Sherman

Sen. Perkins Kwoka
Rep. Mangipudi

Sen. Prentiss
Rep. Southworth

Who supports the bill: Senator David Watters, Senator Rebecca Perkins Kwoka, Senator Tom Sherman, Rep. Timothy Horrigan, Erin Talcott, Nicole Fordey, Evan Oxenham, Mary Boyle, Susan Liebowitz, Joanna Sharf, Julia Thompson, Madeline Mineau

Who opposes the bill: Karen Thoman, Jan Schmidt, Jean Kimball, Kit Lord

Who is neutral on the bill: Cordell Johnston, Jennifer Goodman, Barbara Richter

Summary of testimony presented in support:

Senator Watters

- This is enabling legislation that will allow municipalities to create a program funded by a surcharge on the city side of the property tax.
- The program will support, preservation, open space, recreation, community housing, renewable energy, and mitigation of environmental challenges.
- It is meant to help municipalities address the difficulties that they have had meeting the needs in these areas.
- They do have the LCHIP program that helps with preservation funding but there is a greater demand for open, recreation space.
- Particularly there are difficulties with affordable housing and renewable energy projects as well as increased rainfall and road repairs because of it.
- The bill sets up a lot of definitions as to what would qualify as expenditures under each of those categories, and how they would be done.
- It would require the vote of the Governing Body and then establish a committee that would bring forward proposals to the Governing Body for the use of this funding on various projects.

- There are also mechanisms here, for projects that might extend over a few years, for funding to be invested in certain ways to save money.
- He has had many conversations with the preservation community and the communities, and the message has been that this could be very important for NH as it has been in other states.
- Right now, it is difficult for them to have the kind of hearings and public meetings that are required to inform the people and build support.
- Also, budgets are under a lot of pressure right now and it would be difficult to have the conversation about future needs when the immediate needs are so difficult.
- For those reasons he believes it would make sense for the committee to retain the bill for next year with a re-refer motion.
- Senator Ward commented that she was reading on page three and asked if this will be required of municipalities in New Hampshire or is it that they may adopt this.
 - Senator Watters replied that it is entirely enabling and a completely voluntary program, and it would take a vote of the Governing Body after public hearings to adopt it. Within the program there are many provisions to make exemptions and be flexible with how it functions.

Summary of testimony presented in opposition: None

Neutral Information Presented:

Jennifer Goodman – Executive Director, NH Preservation Alliance

- They have worked with preservation programs and projects throughout the years.
- There is a need and an opportunity relative to this kind of investment and concept put forth in this bill.
- This kind of work creates the communities that residents want to live in, that attracts businesses and visitors and creates good paying jobs.
- They appreciate that this program connects the dots between resiliency, housing, preservation, conservation, and redevelopment.
- They understand and fully support the retaining and reintroduction of this bill and look forward to working with Senator Watters to make this successful legislation.

Cordell Johnston – NH Municipal Association

- Supports the request for it to be re-referred.
- It is an ambitious and complicated bill, and it would be good to have the extra time to work on it.
- It is clearly enabling legislation and he believes Senator Watters meant to say it would require adoption by the Legislative Body, not the Governing Body.
- The voters themselves would have to approve it.

Speakers

Senate Remote Testify

Election Law and Municipal Affairs Committee Testify List for Bill SB53 on 2021-

Name	Email Address	Phone	Title	Representing	Position	Testifying
Watters, Senator David	david.watters@leg.state.nh.us	603.271.2104	An Elected Official	Myself (SD 4)	Support	Yes
Perkins Kwoka, Senator Rebecca	rebecca.perkinskwoka@leg.state.nh.us	603.271.2104	An Elected Official	Myself (SD 21)	Support	No
Talcott, Erin	erin.malay@gmail.com	603.219.9137	A Member of the Public	Myself	Support	No
Fordy, Nicole	nikkif610@gmail.com	516.318.2296	A Member of the Public	Myself	Support	No
Sherman, Senator Tom	jennifer.horgan@leg.state.nh.us	2717875	An Elected Official	SD 24	Support	No
Kimball, Jean	JCKNH@comcast.net	603.383.2001	A Member of the Public	Myself	Oppose	No
Oxenham, Evan	evan.oxenham@gmail.com	603.727.9368	A Member of the Public	Myself	Support	No
Boyle, Mary	mary.n.boyle@gmail.com	603.252.7898	A Member of the Public	Myself	Support	No
Liebowitz, Susan	s.w.liebowitz@gmail.com	603.675.2414	A Member of the Public	Myself	Support	No
Sharf, Joanna	josharf@gmail.com	603.477.6224	A Member of the Public	Myself	Support	No
Schmidt, Jan	tesha4@gmail.com	603.880.6060	An Elected Official	Myself	Oppose	No
thompson, julia	maple371@gmail.com	603.781.3659	A Member of the Public	Myself	Support	No
Thoman, Karen	kt03062@gmail.com	603.595.7171	A Member of the Public	Myself	Oppose	No
Mineau, Madeleine	madeleine@cleanenergynh.org	607.592.6184	A Lobbyist	Clean Energy NH	Support	No
Johnston, Cordell	cjohnston@nhmunicipal.org	603.748.4019	A Lobbyist	NH Municipal Association	Neutral	Yes
Horrigan, Timothy	timothy.horrigan@leg.state.nh.us	603.868.3342	An Elected Official	Strafford 6	Support	No
Goodman, Jennifer	jg@nhpreservation.org	603.224.2281	A Member of the Public	NH Preservation Alliance	Neutral	Yes
Richter, Barbara	Barbara@NHACC.org	603.224.7867	A Lobbyist	NH Assoc of Conservation Commissions	Neutral	No
Lord, Kit	kitlord@yahoo.com	603.942.5374	A Member of the Public	Myself	Oppose	No

Testimony

Tricia Melillo

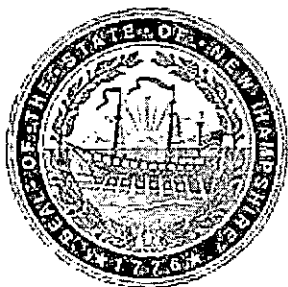
From: Jan Schmidt
Sent: Wednesday, January 27, 2021 8:28 AM
To: Tricia Melillo
Subject: SB53 - the wrong solution to a real problem

National Popular Vote is the only way to ensure that we are listening to the citizens - all of the citizens. State-by-State changes will not fix anything, just make it more confusing and unfair to the country.

Regards,
Representative Jan Schmidt
Proud Chair of the Nashua Delegation

At Home: Tesha4@gmail.com
11 Pope Circle, Nashua NH 03063
Hillsborough District 28, Ward 1 Nashua

In Concord: Jan.Schmidt@leg.state.nh.us
NH House of Representatives
Labor, Industrial, and Rehabilitative Services Committee
Room 307 Legislative Office Building



Voting Sheets

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill # SB 53

Hearing date: 1-28-2021

Executive Session date: 1-28-21

Motion of: Re-Refer Vote: 6-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 6-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: _____ Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen. Perkins Kwoka -

Notes: _____

**Senate Election Law
& Municipal Affairs Committee
EXECUTIVE SESSION RECORD
2021 Session**

Bill ~~HB~~ SB 53

Hearing date: 1-28-21

Executive Session date: 10/25/21

Motion of: OTP Vote: _____

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: → OLS 2124s AS modified Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: OTP/A Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Gray, Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Soucy	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins-Kwoka	X	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Consent B and S 5-0

Reported out by: SEN. GRAY

Notes: _____

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, January 28, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 53**

AN ACT

enabling municipalities to establish a community preservation and resilience program funded in part through a surcharge on real property.

Having considered the same, the committee recommends that the Bill

BE RE-REFERRED TO COMMITTEE

BY A VOTE OF: 5-0

Senator Rebecca Perkins Kwoka
For the Committee

This bill would enable municipalities to establish a community preservation and resilience program to help support environmental improvement projects that need to be addressed, funded through the adoption of an additional municipal fee if desired by the municipality. The Prime Sponsor of the bill, Senator Watters, has asked the committee for this Re-Refer recommendation in order to allow additional conversations with the municipalities.

Tricia Melillo 271-3077

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Monday, October 25, 2021

THE COMMITTEE ON Election Law and Municipal Affairs

to which was referred **SB 53**

AN ACT

enabling municipalities to establish a community preservation and resilience program funded in part through a surcharge on real property.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2221s

Senator James Gray
For the Committee

This bill as amended will clarify certain exemptions from RSA 21-J:14, IV, the confidentiality of department records for the Department of Revenue Administration. Added to the exemption are Municipal service and regulatory responsibilities.

Tricia Melillo 271-3077

General Court of New Hampshire - Bill Status System

Docket of SB53

Docket Abbreviations

Bill Title: (New Title) relative to confidentiality of department of revenue administration records.Official Docket of **SB53**:

Date	Body	Description
1/19/2021	S	Introduced 01/06/2021 and Referred to Election Law and Municipal Affairs; SJ 3
1/21/2021	S	Remote Hearing: 01/28/2021, 09:15 am; Links to join the hearing can be found in the Senate Calendar; SC 8
1/28/2021	S	Committee Report: Rereferred to Committee, 02/04/2021; Vote 5-0; CC; SC 9
2/4/2021	S	Rereferred to Committee, RC 23Y-1N, MA ; 02/04/2021; SJ 3
12/16/2021	S	Committee Report: Ought to Pass with Amendment #2021-2221s , 01/05/2022; Vote 5-0; CC; SC 49
1/5/2022	S	Sen. Gray Moved to Remove SB 53 from the Consent Calendar; 01/05/2022; SJ 1
1/5/2022	S	Committee Amendment #2021-2221s , AF, VV; 01/05/2022; SJ 1
1/5/2022	S	Sen. Gray Floor Amendment #2021-2297s , AA, VV; 01/05/2022; SJ 1
1/5/2022	S	Ought to Pass with Amendment 2021-2297s, MA, VV; OT3rdg; 01/05/2022; SJ 1
3/23/2022	H	Introduced 03/17/2022 and referred to Executive Departments and Administration
4/5/2022	H	Public Hearing: 04/18/2022 10:00 am LOB 302-304
4/20/2022	H	Executive Session: 04/18/2022 10:00 am LOB 302-304
4/20/2022	H	Committee Report: Ought to Pass (Vote 17-0; CC)
5/4/2022	H	Ought to Pass: MA VV 05/04/2022 HJ 11
5/24/2022	S	Enrolled Adopted, VV, (In recess 05/12/2022); SJ 13
5/24/2022	H	Enrolled (in recess of) 05/12/2022 HJ 13
6/1/2022	S	Signed by the Governor on 05/27/2022; Chapter 0123; Effective 05/27/2022

NH House

NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 53

Senate Committee: ELMA

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee
- All Calendar Notices
- Hearing Sign-up sheet(s)
- Prepared testimony, presentations, & other submissions handed in at the public hearing
- Hearing Report
- Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 21245 - amendment # 22215
- amendment # _____ - amendment # _____
- Executive Session Sheet
- Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # 2297 - amendment # _____
- amendment # _____ - amendment # _____

Post Floor Action: (if applicable) {Clerk's Office}

- Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):
- Enrolled Bill Amendment(s)
- Governor's Veto Message

All available versions of the bill: {Clerk's Office}

- as amended by the senate as amended by the house
- final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Committee Aide

Date

Senate Clerk's Office AK