ASSOCIATED GENERAL CONTRACTORS OF NEW HAMPSHIRE





Leading the industry since 1949, Associated General Contractors of New Hampshire continuously works with its diverse membership to improve the commercial construction industry. This diverse membership includes a network of general contractors, subcontractors, material suppliers, equipment dealers, architects, engineers, consultants, attorneys, sureties, accountants, and more. Through legislative advocacy and outreach, the Association works for both sides of the industry – highway and building, both union and open shop.



Ryan Audley R.S. Audley Construction 2023 AGC of NH President

As members of AGC of NH, we are leaders in our state's construction industry, so it's important that we stay on top of the issues that affect us the most.

PRESIDENT'S MESSAGE

I would first like to thank the AGC of NH membership for the opportunity to serve as your 2023 Association President. I'm proud of our continued efforts to strengthen our industry and I congratulate members on another successful year.

As members of AGC of NH, we are leaders in our state's construction industry, so it's important that we stay on top of the issues that affect us the most. I encourage members to continue being active in the Association by serving on committees, attending our seminars, and participating in our social events. Moving forward, we will continue to be involved in providing the legislative benefits and industry resources that you have come to expect.

It was a pleasure to serve as your 2023 President, and I am confident that your incoming President, Matt Connors, will continue to lead and strengthen the association's positive impact on our industry. To the membership, thank you for your hard work over the past year and for supporting the association.

Have a safe and happy holiday season,

2023 AGC of NH President

Lyan Hudley

SUPPORT

DEDICATION

LEADERSHIP



Gary Abbott
Executive Vice President

I am overwhelmed with pride for the collective efforts of our contractors and members that made all of this possible.

COMMITTMENT

PARTICIPATION

COLLABORATION

EXECUTIVE'S MESSAGE

Our Annual Report for the year 2023 brings me great pleasure to say that we had an absolutely outstanding year filled with remarkable successes and achievements. As I reflect upon the past year, I am overwhelmed with pride for the collective efforts of our contractors and members that made all of this possible.

In this report, you will find a comprehensive overview of our accomplishments and the milestones we reached throughout the year. I am delighted to highlight two notable events that we absolutely knocked out of the park. The first one being our sold-out NH Fisher Cats Event created a memorable experience for all attendees but also added a new social event for our members and their families. The event was a resounding success, leaving a lasting impact on all those who were fortunate enough to be a part of it.

The second event that deserves special mention is the NHDOT 10-Year Transportation Plan luncheon which was our largest luncheon of the year. The event not only provided a platform for the state agency to highlight the future of transportation but what our industry can expect in future construction projects for many years. The positive feedback and comments we received from attendees further reinforced our need to continue these types of meetings into the future.

These two events are just a glimpse of the exceptional year we had. Our Annual Report will walk you through various other achievements, such as legislative, social media, events, and upcoming future legislative topics.

As next year will be filled will new challenges since it is an election year, I look forward to working with our committees and members. Thank you for making 2023 an exceptional year for our organization.

Gary Abbott

AGC of NH

Executive Vice President

NOTABLE ACCOMPLISHMENTS

A number of projects, publications and events were accomplished in 2023, such as:

- Legislative Reports
- 2023 Entry Level Driver Training Guide
- 2023-2024 Training Guide
- 1st Annual NH Fisher Cats Family and Employee Appreciation Event
- 2023 Luncheon Series
- Gubernatorial Candidate Former U.S. Senator Kelly Ayotte Meets With AGC of NH **Board of Directors**
- U.S. Congressional Republican Candidate Hollie Noveletsky Meets With AGC of NH **Board of Directors**











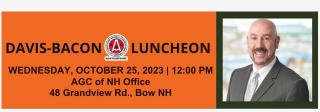






AGC of NH - 2023 Workforce & NHPFML Luncheon Join us as we welcome Richard Lavers, Deputy Commissioner, New Hampshire Employment Security, and Kate Annol, Program Coordinator-Industry Outreach & Marketing, Concord Regional Technical Center, to discuss: CRTC · Recruitment tools June 20, 2023 • NH paid family medical leave · Forecasted unemployment rates AGC of NH Office · How to connect with students in the construction trades

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2023 LEGISLATIVE EFFORTS

Adjusting the Road Toll From the Highway Fund to General Fund

House Bill 62 reduces the total road toll from 22 cents per gallon to 18 cents per gallon. AGC of NH opposed this bill because the 4.2 cents per gallon reduction would be replaced from the General Fund which is subject to the budgetary process every two years, and there is no guarantee that the replaced funds would be allocated back to the highway fund. The full House voted Inexpedient to Legislate.

Increasing School Building Aid to \$50 Million Dollars Per Year

On January 24, 2023, both House Bills 541 and 546 were heard before the House Finance Committee. AGC of NH supported both bills because they allocate at least \$50 million dollars per year (\$100 million biennial) to school building aid. A total of about \$49 million for this next biennium could possibly be available if building aid is fully funded, considering the debt currently outstanding.

Governor Sununu had presented in House Bill 2 (the State Budget) that he wanted the school building aid to be increased an additional \$75 million in a one-time expenditure. The House Finance committee did not agree to leave the additional money in the budget, but did, for the first time since the school building moratorium, fully fund school building aid with the \$50 million per year. that has been proposed over several budget cycles and not adopted in previous legislatures. The Senate concurred with the House in passage of the budget.



Subdivision Regulations and Municipal-Required Bonds and Conditions

This bill, as amended, establishes requirements and limits on security bonds required by municipalities for completion of work, by contractors, under subdivision regulations. These limits require that municipalities release the bonds in a more efficient manner. This will enable builders and contractors to complete projects in a cost effective manner. The amendments made both in the Senate and House further clarifies time frames for completion of inspections and approvals. AGC of NH testified in support of these clarifications.

This legislation went to the Committee of Conference on June 20, 2023, where both the House and Senate members agreed to a minor language change and was passed by the Legislature on June 29, 2023.

Duration of Unemployment Benefits

The House Labor, Industrial and Rehabilitative Services Committee met for a public hearing on House Bill 190, which specifies the duration of unemployment benefits based on the state's average unemployment rate.

The bill reduces the minimum number of weeks from 26 to 14 and adjusts the unemployment rate by 0.5 percent annually based on the level of unemployment. Additionally, the bill creates an exception in a state of emergency. AGC of NH opposed reducing the number of weeks to anything lower than 16 weeks because of the impact on seasonal employers and recommended 17 weeks to be the minimum. The House Labor Committee voted to retain this bill for the next session.

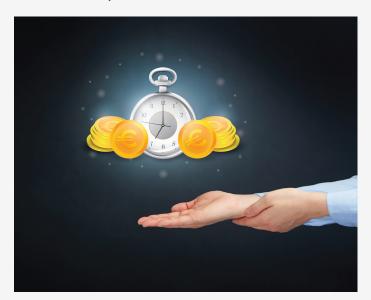
Unused Earned Time

The House Executive Departments and Administration Committee met for a public hearing on House Bill 74, which requires an employer to pay an employee for unused earned time.

Dave Juvet, from the Business and Industry Association, testified in opposition to the bill, but suggested that there may be situations where an employee is laid off who may not be paid for their time off. As a result, he suggested the bill could potentially be limited to that type of situation and considered this a "fair idea and worthy of discussion." However, he indicated that the bill as drafted is too broad, and employers should have the ability to determine which benefits serve their businesses the best. AGC of NH also opposed this bill.

The House passed the legislation and referred the bill to the House Finance Committee. After review by House Finance, they recommended Inexpedient to Legislate by a vote of 13-11. The full House voted on in favor of the legislation by a vote of 205 to 181.

The Senate Commerce Committee heard the bill on April 18th in which AGC of NH presented a position paper in opposition to the proposed legislation. The committee voted Inexpedient to Legislate and the full Senate agreed by a voice vote on May 18, 2023.





Mitigation Payments For Upland Resource Losses

Senate Bill 56 establishes a method for the Department of Environmental Services to determine the compensatory payments for upland resource losses.

Gary Abbott of AGC of NH testified in opposition because under current statute, if a developer impacted a wetland as part of a project, they must mitigate the resources being altered or pay in lieu of mitigation into a fund. He also stated that contractors and developers should have to compensate for the wetlands being altered, not the setback or buffer. Gary Abbott further stated that this bill would make contractors pay an additional buffer fee on top of the one they already pay.

The Senate Committee asked AGC of NH, the Department of Transportation, and the Department of Environmental Services to work together on language interpretation. AGC held a meeting with the two state agencies and the AGC Environment Committee and we agreed on an amendment to clarify that it only applies to upland buffers on prime wetlands, undeveloped tidal buffer zones and sand dunes. The Senate adopted the amendment. and passed the legislation. The full House also passed the bill.

Road Toll Registration Surcharges for Electric Vehicles.

(Senate Committee raised registration fee to \$100)

This bill establishes a registration surcharge for electric vehicles and requires the division of motor vehicles and Department of Transportation to report annually on the surcharge revenue and use of funds. SB 191 was first presented before the Senate Ways and Means Committee on February 1, 2023. Senator David Watters (D) presented the bill as the prime sponsor of the bill. SB 191 proposes a surcharge of \$50, where \$40 would go to the Highway Fund and the remaining \$10 would be used to construct charging stations. The Department of Safety states there are approximately 8,000 registered electric and plug-in hybrid vehicles that would be subject to the \$50 surcharge, therefore generating an estimated \$400,000 per year in new revenue, beginning in FY 2024.

After committee discussion and testimony, an amendment was proposed to increase the registration surcharge from \$50 to \$100, to be deposited into the Highway Fund. The Department of Transportation would be authorized to dedicate no more than 20 percent annually of collected fees for the construction of electric vehicle service equipment on New Hampshire transportation corridors, utilizing plans developed by the department in consultation with the Department of Environmental Services, the New Hampshire transportation council, and Drive Electric NH. The Department of Safety, division of motor vehicles would determine necessary procedures for determining vehicles subject to this surcharge. On February 9, 2023, the full Senate voted Ought to Pass with the amendment, increasing the surcharge.



This bill then went to the Senate Finance Committee for review and subsequently was passed by the full Senate again. In the House Ways and Means Committee, they found the legislation complicated and decided to retain it in committee until next year. The Senate Finance Committee decided to add this language to the State Budget, where they added two surcharges instead of the proposed one in the original legislation. The new surcharge that was added was for plug-in hybrid vehicles for a \$50 annual fee, which passed in the state budget.

Buy America Steel Products

This bill revises made in America contract requirements for certain state steel contracts and modifies RSA 21-1:11, which went into effect January 1, 2023, requiring the use of American made steel products in all public works projects where the state administers the contract.

This bill also adds provisions to the RSA making it only applicable to State funded contracts of at least \$1,000,000. It includes a requirement for affected state agencies to specify in the contract documents which steel products "need Buy America certification." It also includes a process by which affected state agencies may request a waiver of the requirements of the bill in certain circumstances. Lastly, this bill also clarifies excluded products such as nuts, bolts, washers, etc.

Senate Bill 195, which was requested by AGC of NH, was referred to the Commerce Committee and was presented in front of the Senate Commerce Committee by Senator Sharon Carson (R). Senator Carson testified that this bill would make changes to the state requirements for certain steel contracts with the Buy America certification.

Last year, similar legislation had been signed into law; however, some provisions needed clarification that steel manufacturers and contractors felt were important. The bill was amended in the Senate to use the latest "Code of Standard Practice for Steel Building and Bridges" and was passed by the full Senate on March 16, 2023.

Buy America Steel Products, continued

Gary Abbott of the Associated General Contractors of NH, Amy Charbonneau of Continental Paving, and Hollie Noveltsky of Novel Iron, testified in support of this bill, as amended. Also in attendance in support of SB 195 were Natasha Michelson (Hutter Construction), Adam Bates (Weaver Brothers Construction Co.), Wendy Hunt (Greater Nashua Chamber of Commerce), Patrick L'Heureux (Severino Trucking), Dale Sackett (Beck & Bellucci), and Steve Chasse (SL Chasse Steel).

At the end of the hearing, the House Commerce Committee immediately voted unanimously to pass the legislation. On the session day in the House one of the representatives wanted to amend the legislation as she felt one section of the legislation dealing with alternative methods was confusing. Upon further review, AGC drafted an amendment that eliminated that line which we feel had no impact on the intent of the legislation. On May 18, 2023, the full House passed the amendment and the bill. On June 1st, the full Senate concurred with the final House version which then passed the legislature.

Appropriations to the Department of Transportation for additional municipal highway funding.

Senate Bill 270, relative to appropriations to the Department of Transportation, was introduced to the Senate on February 14, 2023 by prime sponsor Senator Lou D'Allesandro. The bill was referred to the Senate Finance Committee. A similar bill, Senate Bill 401, was passed in 2022.

This bill appropriates \$40,000,000 in FY 2024 of highway funds to the Department of Transportation for the distribution of aid to municipalities. Of this amount, \$20,000,000 will be distributed as bridge aid (\$10,000,000 based on bridge deck area and \$10,000,000 based on population), and \$20,000,000 as additional "apportionment A" (highway block grants) distributions under RSA 235:23, I.

For the Department of Transportation; Municipal Bridges, one half of the funds (\$10,000,000) shall be distributed to municipalities with municipally-owned bridges based on each municipality's total bridge deck area per department inventory, as of January 1, 2023. The other half of the funds (\$10,000,000) shall be distributed to municipalities with municipally-owned bridges based on each municipality's share of total state population based on the Office of Planning and Development's population estimate with each municipal population in proportion to the total population of the state as of July 1, 2022.

The funds to be distributed under this section shall be in addition to all other state and federal aid specifically authorized by statute. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated and such warrant shall be a charge against the highway fund. No funds appropriated under this section shall be used to supplant locally budgeted and approved funds for bridge maintenance or construction. The funds appropriated in this section may be considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a political subdivision has adopted the provisions of RSA 31:95-b.

For the Department of Transportation; 'Apportionment A" Distributions; a sum of \$20,000,000 for the fiscal year ending June 30, 2024, which shall be non-lapsing and expended as additional "Apportionment A" distributions under RSA 235:23, I. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated and such warrant shall be a charge against the highway fund. No funds appropriated under this section shall be used to supplant locally budgeted and approved funds for road maintenance or construction. The funds appropriated in this section may be considered unanticipated money under RSA 31:95-b and may be accepted and expended pursuant to RSA 31:95-b, II through IV, whether or not a political subdivision has adopted the provisions of RSA 31:95-b.

Appropriations to the Department of Transportation for additional municipal highway funding, continued

The full Senate tabled the legislation as they have agreed to place it in House Bill 2, the State Budget. The Senate Finance Committee amended the budget to include this language but at a reduced level of funding. Instead of the proposed \$40 million dollars in total for the two programs it would be \$20 million. The House concurred with the Senate on the budget, and it passed on June 8, 2023.



State Budget for 2024 and 2025

This year's budget contains four items that were all important to our industry and three of these items started out as separate legislation contained in this report.

They include fully funding school building aid as discussed in House Bill 541 & 546 at the \$50 million per year, funding road & bridge municipal infrastructure program for \$20 million (SB 270) and adding a vehicle registration surcharge of \$100 and \$50 for electric and hybrid cars respectively (SB 191).

The fourth item the association supported was adding approximately \$200,000 to the Fish & Game department to fully fund the staff that processes the Alteration of Terrain permit if it has an impact on endangered species.

This money was needed as the agency had been funding the staff through federal funds that will end on December 31st of the second year of the budget cycle. The future challenge for Fish & Game is where will they get funding for these individuals in the next budget cycle.

Capital Budget

Every two years, the State puts together their capital projects that reflects the needs of each state agency which include building improvements that will be put out for bid in the next budget cycle.

This year the legislation that was passed contained capital needs of over \$105 million. Not all of that is construction related, but a number of these projects are. We will continue to update the membership on industry-related capital projects.



Annual Golf Tournament

A Soggy Start to a Great Day!

The morning started off with everyone checking in, getting their swag, courtesy of Gemini Electric, A.W. Rose Construction, and Langley Construction, and enjoying a continental breakfast, sponsored by R.M. Piper Construction. The main event kicked off right about the time the skies really opened up! When all was said and done, it was time for the "par-b-que" (aptly named by Candia Woods), sponsored by Continental Paving, and the awards ceremony.

The rain had stopped by then and everyone enjoyed the great food and fun. After the usual prizes were awarded, we had a bit of drama when it came to announcing the winner of the AGC of NH Company Trophy.

You see, the rules state that the winner of the trophy have to all be from the same company to be eligible. The first five teams each had guests on their teams so it wasn't until sixth place that we had a winner and that winner is Harvey Construction!







Congratulations
Harvey Construction
on winning the coveted
Company Challenge!





NH Fisher Cats Night











A PERFECT EVENING

We couldn't have asked for a better evening for our first-ever Fisher Cats Family and Employee Appreciation Night! The weather was a breezy 75 degrees and everyone who attended this sold-out event enjoyed a delicious barbeque, comfy swivel seats and a good old-fashioned baseball game. It was great to have so many families with children enjoying the evening.

Thank you to our sponsors and the companies who treated employees and friends to tickets for the event!









LOOKING AHEAD TO 2024



LSRs to Watch for 2024

It's already that time of the year when legislators begin filing bills for the upcoming session. Hundreds of legislative service requests (LSRs) have already been filed in both the New Hampshire House of Representatives and Senate, and AGC of NH has begun reviewing them to determine which ones are relevant to the construction industry.

A resolution calling for policymakers locally and nationally to fully consider all relevant information and factors pertaining to climate change before pursuing courses of action that could adversely affect any economy or environment.	Building
Relative to administration of school building aid funds by the department of education and making an appropriation therefor.	Building
Relative to competitive bidding requirements.	Building
Relative to revisions to the state building code.	Building
Relative to the state building code.	Building
Relative to disposal of hazardous waste from state and local construction projects.	Building and Highway
Relative to required votes to approve issuance of bonds.	Building and Highway
Relative to creating certain wetlands permit exemptions after a natural disaster or flooding event.	
Relative to permitting notification prior to cutting trees in a wetland or wetland buffer.	Environment



House LSRs to Watch for 2024, continued

Relative to requiring environmental surety bonds for businesses that nose a significant risk	Environment
to the state's natural resources.	
Relative to requiring public benefit and community impact assessments from the	Environment
department of environmental services.	Environment
Relative to requiring the commissioner of the department of environmental services to revise rules relative to per and polyfluorinated alkyl substance contamination in drinking water.	Environment
Relative to the definition of wetlands.	Environment
Relative to revising the penalties of the shoreland protection act.	Environment
Relative to the format of excavating and dredging permit applications.	Environment
Relative to the PFAS consent decree.	Environment
Relative to the statute of limitations on civil actions involving PFAS.	Environment
Relating to: taxation. Providing that: a 2/3 vote is required to pass legislation imposing new or increased taxes or license fees, or to authorize the issuance of state bonds and providing that the general court shall appropriate funds for payment of interest and installments of principle of all state bonds.	Highway
Relative to establishing a committee to study revenue alternatives to the road toll, road toll registration charges, and revenue alternatives to vehicle registrations.	Highway
Relative to notification processes for large groundwater withdrawal applications.	Highway
Relative to an employee's unused earned time.	HR
Relative to authorizing local governments to set a minimum wage.	HR
Relative to establishing a 4-day work week.	HR
Relative to limiting the number of hours worked by salaried employees.	HR
Relative to mandatory overtime and the calculation of base rate of compensation.	HR
Relative to notice of terms and conditions of remote work arrangements.	HR

Committees at Work



AGC of NH committees are a crucial part of the Association's lobbying efforts. Member driven, the committees make decisions on which bills to support, oppose, and monitor as well as offer their expertise in topic specific areas.

The **Building Committee** is comprised mainly of the Association's building GC members, as well as industry affiliates and subcontractors. Their focus is on legislation that will affect vertical construction in NH including, but not limited to, building code revisions, energy efficiency, public works requirements, construction methods, and contract documents. They also meet with agency leaders and potential owners on current issues.

The **Environment Committee** works on environmental laws, rules, and regulations that affect the commercial construction industry. It is a mix of highway contractors, aggregate suppliers, environmental consultants, and legal consultants. In addition to working on legislation, they also work closely with DES on rule changes.

The **Legislative Committee** is the first stop in the Association's legislative process. Committee members review all bills that may have an impact on the construction industry, and recommend the appropriate action for AGC to take.

The **Highway Committee** was formed in 2012 in response to the growing highway issues such as funding, construction methods, new technology and more. Highway general contractors and subcontractors participate on this committee.

The **Highway Specification Committee** works directly with the New Hampshire Department of Transportation to review specification changes. Highway general contractors and suppliers participate on this committee.

The **Asphalt and Concrete Committees** (QC-QA) work in partnership between AGC of NH and the Department of Transportation. The committee reviews asphalt paving and concrete quality assurance specifications.

The **Safety Committee** continually searches for new ways to enhance safety in the work place. Through a variety of roundtable discussions and forums, the group will be dedicated to monitoring local, state and federal legislation and regulations.

The **Human Resources Committee** focuses on issues such as workers' compensation, health insurance, employer/employee rights, and more are becoming a more important part of any business. This committee works on legislation that will affect the employee/employer relationship of a business. Several of the Association's GC members, suppliers, and industry affiliates have representation on this committee.



Social Media Presence



AGC of NH continues to make a conscious effort to increase its social media presence; in part because it's a platform to share information about the great things that are happening with the Association. Here are just a few of our posts in 2023.













National AGC Safety Award Recipient Pike Industries, Inc.



National AGC Safety Award Recipient D.R. Key Corp.



National AGC Safety Award Recipient Weaver Brothers Const. Co. Inc.



Hutter Construction



National AGC Safety Award Recipient E.D. Swett, Inc.







Beck & Bellucci, Inc.



Leighton A. White, Inc.





