

LEGISLATIVE BULLETIN

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Election Postponement Bill to Committee of Conference

The House and Senate agreed yesterday to form a committee of conference on **SB 438**, the town election postponement bill. The committee’s first meeting has not been scheduled yet, but it could be as early as Monday. Notices of committee conference meetings are posted on the [General Court's website](#) (on the General Court News and Hot Links dashboard, click on “2018 Committees of Conference”), as well as on the bill’s docket.

As everyone surely knows by now, there is a significant disagreement about whether local moderators have authority to postpone the official ballot voting session of town meetings: NHMA and municipal attorneys believe that authority clearly exists, others do not. The question of **existing** authority does not need to be resolved at this time—but the question of **future** authority is at stake as **SB 438** heads to a resolution in a committee of conference. The Senate version of **SB 438** gives the authority for postponing the official ballot voting session of town meeting to the Secretary of State, while the House version secures that authority with the moderator. The House version adds some safeguards, such as requiring the agreement of the emergency management director and approval of the governing body, and establishes a clear process for scheduling the postponed session and dealing with absentee ballots. It also provides for timely notice of a postponement to the Secretary of State.

NHMA and municipal officials statewide supported the House version of the bill, but it was adopted over the strong objections of the House Republican leadership. This creates a strange dynamic on the committee of conference. The House conferees are *supposed* to defend the House position (as the Senate conferees are supposed to defend the Senate position), but three of the four House conferees voted *against* the House version of the bill. It will be interesting to see how vigorously they defend the House position.

There is no telling what will happen next week. All we know for sure is that the conference committee must issue its report by next Thursday, May 17, and the report will then go to the full House and Senate the following week. If the committee proposes any version of the bill that that does not

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clearly state that local officials control local elections, NHMA members will continue to oppose it and we will continue to work to defeat it.

Please talk to your representatives and urge them to oppose any bill that gives a state official authority in town elections. Remind them, again, that their loyalty should be to their municipalities and their voters, not to a state official or any political party.

Net Metering Bill to Governor

The Senate yesterday concurred with the House's amendment to [SB 446](#), the NHMA policy bill that increases the maximum allowable capacity for net-metered renewable energy projects. The bill will now go to the Governor.

We're not home yet. Despite the strong support in both the House and the Senate, there is still opposition to the bill, and the Governor is likely to hear from the opponents. Although the bill probably will not make it to his desk for several weeks, it would be helpful for local officials to contact him ***as soon as possible*** to ask him to sign the bill, before he starts hearing from opponents.

In your message to the Governor, you should—obviously—mention any projects in your municipality that would benefit from the increased cap. Also, you could mention that increased net metering will help considerably in advancing a number of the eleven Energy Policy Goals listed in the state's recently released [10-Year State Energy Strategy](#).

The Governor's e-mail address is governorsununu@nh.gov.

Default Budget Bill Still Needs Work

The House concurred with the Senate amendments to [HB 1307](#), dealing with explanation and discussion of the default budget at the deliberative session and the definition of "contracts" as it pertains to adjustment of the prior year budget for calculation of the default budget in official ballot (SB2) municipalities and school districts.

The House also acceded (ack-SEED-ed) to the Senate request for a committee of conference on the companion bill [SB 342](#). As passed by the Senate, **SB 342** requires line-item detail by account code of default budget adjustments and reduction of the default budget for the salaries of positions eliminated in the operating budget. The House version requires reduction of the default budget for both salary and benefits of positions eliminated from the operating budget, in addition to disclosure of default budget adjustments by account code. It also adds a statement in statute indicating that the default budget may result in a higher or lower amount than the proposed operating budget.

We are concerned about both versions of **SB 342**, because it does not make sense to make adjustments to the *default* budget to reflect proposed changes (up or down) to the *operating* budget. If the default budget is going to be reduced for items eliminated in the operating budget, why wouldn't it also be *increased* for items *added* to the operating budget? And at that point, what purpose is served by having a default budget, as it will be identical to the operating budget?

In Other News . . .

The bills discussed above are just a few of the many bills the House and Senate dealt with yesterday, as they spent the day concurring with each other's amendments, or in many cases not concurring and instead forming committees of conference. Here is what happened on the bills of most interest to municipalities:

Registration of Out-of-State Semi-Trailers. The House and Senate formed a committee of conference on [HB 1614](#). As amended by the Senate, [HB 1614](#) contains the language from [HB 579](#) dealing with multi-year discounted registrations of out-of-state semi-trailers. [HB 579](#) had been tabled in the House earlier in the session.

Cancer Presumption for Workers Compensation. [SB 541](#), relative to the presumption that cancer in firefighters is work related, will go to a committee of conference. Among other differences, the [Senate version](#) provides a commission to find a funding source to support the statutory presumption, previously found unconstitutional by the Supreme Court, that cancer in firefighters is work-related. The House version re-writes some of the presumption language in the statute, but does not include any funding and also removes the commission.

Taxation of Recreational Vehicles. Also headed to a committee of conference is [HB 1356](#), amended by the Senate to revive the language of [SB 403](#), which the House had killed. The [SB 403](#) language would completely exempt from the property tax "recreational vehicles" located at a "recreational campground or camping park." NHMA did not follow [HB 1356](#), but the amendment would be a significant loss of revenue in many waterfront municipalities.

Interest on Delinquent Taxes. The House concurred with the Senate amendment to [HB 1673](#), which lowers the interest rates on delinquent taxes from 12% pre-lien and 18% post-lien to 8% and 14%, respectively, effective for taxes assessed on or after April 1, 2019.

Water Quality Standards. The House concurred with the Senate amendment to [HB 1101](#), dealing with water quality standards for drinking water, ambient ground water, surface water, and air emissions causing water contamination. [HB 1101](#) is very similar to [SB 309](#), on which the Senate concurred with the House amendment last week. The House also concurred with the Senate version of [HB 1592](#), requiring the Department of Environmental Services to review the ambient groundwater standard for arsenic to determine whether it should be lowered, and if so, to report such finding to certain House and Senate committees for approval by the General Court.

Meeting minutes. The House concurred with the Senate's amendment on [HB 1347](#), which requires that all meeting minutes of public bodies record "the names of the members who made or seconded each motion." Although this is an unfortunate exercise in micromanagement, it is a big improvement over the bill as passed by the House, which also would have required the minutes to record "a brief summary of comments made during deliberations" and "all relevant details necessary to enact or implement a motion."

Amendments to petitioned articles. The Senate requested a committee of conference on [SB 506](#), to which the House acceded. The bill as amended by the House clarifies the provision in RSA 39:3 regarding the selectmen's insertion of petitioned warrant articles on the warrant with "only such minor textual changes as may be required." It states that "such corrections shall not in any way change the intended effect of the article as presented in the original language of the petition."

(In Other News— Continued from Page 3)

Our understanding is that there is no substantive disagreement, but senators had a minor technical concern about the language. We expect it to be resolved fairly easily.

Utility Valuation. The House concurred with the Senate amendment to [HB 324](#), establishing an 11-member commission to study the system of valuing utility property and issue a report of its findings by November 1, 2018.

One-Time Payment to Certain Retirees. The House concurred with the Senate version of [HB 1756](#), which authorizes a one-time payment of \$500 to each New Hampshire Retirement System retiree who has at least 20 years of creditable service, has been retired 5 years or more, and receives a pension of \$30,000 or less annually. Funding for these payments will come from the state general fund.

Animal cruelty. A committee of conference was also formed on [SB 569](#), which makes a number of changes to the laws dealing with animal breeding, transfers, and cruelty. This is of interest to municipalities because it addresses the cost of care for confiscated animals, which is often borne by the municipality. NHMA supported the Senate version, but the House changed it dramatically. The two chambers are far apart, and an agreement seems unlikely.

Working After Retirement. [HB 561](#), relative to working after retirement, is also scheduled for a committee of conference to address the differences between the [House](#) and [Senate](#) versions of the bill.

So What *Is* A Committee of Conference?

Every year, when a House bill has been amended by the Senate, and a Senate bill has been amended by the House, those bills go back to the originating body for a review of the amendment and a determination of whether the amendment is acceptable or not. If the amendment is acceptable, the originating body accedes (ack-SEEDs) to the amendment. If it is not acceptable, the originating body can nonconcur and request a committee of conference or it can simply nonconcur, in which case the bill dies.

If both bodies agree to form a committee of conference, then 3 members of the Senate and 4 members of the House are appointed to meet for the purpose of ironing out the differences. Some committees meet several times over the one-week period provided before agreement must be reached and “signed off on” by all parties. The Senate members and the House members vote separately, but must unanimously approve the committee of conference resolution. Sometimes, committee members are removed and replaced if they are unwilling to go along with the rest of the committee. If the report is not fully signed by the deadline, the bill dies.

Needless to say, it is a very fluid process! This year, all committee reports must be signed by 4:00 pm on Thursday, May 17th. Both House and Senate meet on Wednesday, May 23 to act on the committee of conference reports.



<u>2018</u>	<u>Upcoming NHMA Workshops and Webinars</u>
May 22	2018 Local Officials Workshop—Sugar Hill Meeting House
May 23	NHMA Webinar—Controlling Junk: Junkyard Enforcement 101
Jun. 1	Workshop: A Guide to Effective Enforcement: Investigating and Enforcing Code and Land Use Violations
Jun. 2	2018 Local Officials Workshop—NHMA Offices, Concord
Jun. 6	NHMA Webinar—Legislative Wrap Up
Jun. 8	2018 Right-to-Know Workshop—Rochester Frisbee Memorial Center
Please register online through our website: www.nhmunicipal.org . (Scroll down on left to Calendar of Events and click View the Full Calendar)	

