

# LEGISLATIVE BULLETIN

## Committees of Conference Begin Meeting

As we wrote in [last week's Bulletin](#), yesterday was the deadline for the House and Senate to form committees of conference, and next Thursday, June 20, is the deadline for the committees to issue their reports. That means some legislators—especially senators, most of whom are on several such committees—are going to have a busy week. In particular, the committee of conference on the budget bills is not scheduled to begin meeting until Monday, which means it has all of three days to resolve the significant differences between the House and Senate budgets, and to do so in a manner that has some hope of being approved by the governor. (The most recent documents related to the operating and capital budgets for fiscal years 2020-2021—HB 1/HB 2 and HB 25, respectively—are available on the [Legislative Budget Assistant's Office website](#).)

When they were not creating committees of conference, the House and Senate spent much of yesterday concurring (or, in a few cases, not concurring) with each other's amendments. Those bills on which the two chambers have reached agreement are now on their way to the governor's office (with a few stops along the way—see "What's Taking So Long?" below).

There will be no House or Senate session next week. Their next, and last, sessions will be on Thursday, June 27, to act on all committee of conference reports

## No Override Vote Yet on Net Metering Bill

We wrote last week that it was possible the legislature would vote this month on overriding the governor's veto of [HB 365](#), the **NHMA policy bill** that increases the cap for net metering projects to five megawatts. That did not happen this week, and word now is that the bill will not be taken up until "veto day" later this summer, most likely in September, when both houses will meet specifically for the purpose of considering overrides on the numerous vetoes that are expected.

As veto day approaches, we will issue a special Legislative Bulletin discussing those vetoes that we support or oppose, including **HB 365**. Please watch your mailboxes for more information.

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### INSIDE THIS ISSUE

To-Do List	2
Action on Municipal Bills	2
What's Taking So Long?	4
NHMA Events	5

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## Municipal Medley

Here are some of the actions the House and Senate took yesterday on bills of municipal interest:

**Independent Redistricting Commission.** The House concurred with the Senate's amendment to [HB 706](#), the **NHMA policy bill** that creates an independent commission to establish election districts. The bill originally passed the House on a largely party-line vote, but the Senate amendment achieved broad bipartisan support, and it passed the Senate easily on a voice vote. However, that bipartisan spirit did not flow back to the House, where the vote to concur appeared, again, to be almost straight down party lines. Nevertheless, we are hopeful that the governor will sign the bill.

**Solid waste reporting.** The House refused to concur with the Senate's amendment to [HB 560](#), relative to municipal reporting on solid waste. **HB 560** as passed by the House dealt with a different subject, restricting the distribution of single-use plastic carryout bags. Meanwhile, the Senate had passed [SB 79](#), which would have required municipalities to report information on the collection and disposition of solid waste. The House Environment and Agriculture Committee retained **SB 79**, so the Senate amended **HB 560** by deleting all of its original text and transplanting the language of **SB 79** into it. The House was not happy with that action, so it refused to concur yesterday, and **HB 560** died.

Meanwhile, **SB 79**, the original solid waste reporting bill passed by the House, remains in the Environment and Agriculture Committee as a retained bill. The committee will work on the bill this fall and make a recommendation to the full House by November.

**Building codes.** The House concurred with the Senate amendments on [HB 562](#) and [HB 710](#), relative to building codes. **HB 562** updates the state building code to include the 2015 editions of the various international codes and ratifies certain amendments to the state code approved by the Building Code Review Board. **HB 710**, among other things, (1) requires the Building Code Review Board to maintain a publicly accessible list of applicable building codes and amendments, including locally adopted amendments, and (2) authorizes the board to hear appeals of decisions from any local building code board of appeals.

**Criminal history.** On a 14-10 party-line vote, the Senate concurred with the House amendment to [SB 100](#), which prohibits an employer from asking about a job applicant's criminal history prior to the first interview. We have serious concerns about this bill. The House had passed a similar bill, [HB 253](#), which would not apply when a person is

### ***This week's to-do list***

- ✓ Read the entire Legislative Bulletin to learn about final action this week on a number of bills of municipal interest.
- ✓ Check the legislature's website for committees of conference on bills you are following, and call NHMA's government affairs staff if you have any questions.
- ✓ Sign up for one or more of NHMA's June-July webinars or workshops, including the June 26 legislative wrap-up webinar.
- ✓ Make final plans for your summer

applying for a job with a law enforcement agency, or for “a position that requires a standard-fidelity bond or equivalent bond, where the applicant's conviction of a crime would disqualify the applicant from obtaining such a bond.” Unfortunately, that bill was re-referred in the Senate, while the House passed **SB 100**, which contains no such exceptions. We wouldn't mind seeing a veto of this bill.

**Union rights.** The Senate concurred with the House amendment on **SB 148**, which requires public employers to give union representatives access to members of the bargaining unit that the union represents, including: (1) the right to meet with employees on the work premises to investigate and discuss grievances; (2) the right to conduct on-site meetings during lunch and other breaks and before and after the workday to discuss workplace issues and union matters; and (3) the right to meet with newly hired employees for 60 minutes not later than 10 days after hire. As we have mentioned previously, those matters are ordinarily subject to negotiation in the collective bargaining process; we believe it makes sense to leave them there, rather than mandating them by law.

**Definition of default budget.** The House declined to concur with the Senate's amendment to **HB 618**, dealing with the definition of “contract” for purposes of calculating the default budget in official ballot referendum (SB 2) towns. The bill as passed by the House would have repealed the definition of “contract” that was enacted last year; the Senate version kept the definition but revised it. With the House's rejection of the Senate amendment, the bill is dead, so last year's law remains in effect.

**Restrictions on lawn watering.** The House concurred with the Senate's amendment to **HB 443**, allowing a municipal governing body to restrict the use of water from public water systems or private wells for watering both residential and nonresidential lawns during a declared drought. Current law allows the municipality to restrict only residential lawn watering. Under the bill, recreational fields, golf courses, and grass agricultural fields would be exempt from any municipal restrictions. The Senate amendment clarified that the law would not limit a public water system's authority to implement conservation measures in accordance with rules of the Department of Environmental Services.

**Multi-town bonding.** The Senate concurred with the House amendment on **SB 103**, which authorizes two or more municipalities (or other “public agencies”), pursuant to an intergovernmental agreement under RSA 53-A, to “jointly issue bonds or notes under RSA 33 for any purpose for which they may be issued under that chapter.” The agreement would specify each municipality's proportionate share of the debt represented by the bond, and each participating municipality would have to comply separately with the bond approval process requirements of RSA 33.

**Arsenic Standard.** The House concurred with the Senate's amendment on **HB 261**, which requires the Department of Environmental Services to initiate rulemaking to adopt an arsenic standard in public water systems of 5 parts per billion, as opposed to the current standard of 10 parts per billion. The Senate amendment requires the effective date of the new standard to be no later than July 1, 2021, and clarifies that public water systems may apply to the Drinking Water and Groundwater Trust Fund for loans and competitive grants to assist with the capital costs of compliance with new or revised maximum contaminant levels or ambient groundwater quality standards.

## What's Taking So Long?

We frequently get questions this time of year about what is taking so long for a bill to be signed into law. Many people are aware that the governor has five days (excluding Sundays) to sign or veto a bill once it gets to his office. So if a bill passed the second chamber in early May without amendment, shouldn't it have become law by now?

It's not quite that simple. Here is the process (approximately) once both houses have agreed on the final language of a bill:

- The last chamber to possess the bill delivers it to the Office of Legislative Services (OLS), which reviews it to determine whether an enrolled bill amendment is needed. (An enrolled bill amendment is a technical amendment to correct minor language errors, cross-references, and similar things.)
- If an enrolled bill amendment is needed, it is drafted and sent to the House and Senate clerks, who read it into the record and return the bill to OLS.
- OLS sends the bill (whether amended or not) to the secretary of state's office, which prepares an enrolled bill report. That report is signed by a member of the House Enrolled Bills Committee and a member of the Senate Enrolled Bills Committee.
- The enrolled bill report is delivered to the House and Senate clerks, who each read it into the record.
- The secretary of state delivers the bill to the speaker of the House, who signs it and returns it to the secretary of state. The secretary then delivers it to the president of the Senate, who signs it and returns it to the secretary.
- The secretary of state's office stamps the date and time on the bill, and the secretary signs it and delivers it to the governor, starting the five-day clock.

Understandably, this can take a while. It is an extremely busy time of year for most of the people involved, and other things can get in the way. Some bills move through the process faster than others—sometimes because there is a legitimate rush, sometimes because of some political calculation, and sometimes for no apparent reason. A bill that cleared the second chamber in April might not make it to the governor until the beginning of July, while one that didn't pass until early June could get there the next week. If you are waiting for a bill to be signed, unless you are a true insider, there is not much you can do except wait.

In a budget year, we can reasonably expect that the governor will be signing (or vetoing) bills well into July. In 2017, for example, the last bills were signed on July 18, and in 2015 the last bills were signed on July 27.

*(Why So Long? — Continued from Page 4)*

Unless something unusual happens, our last Legislative Bulletin will be published on June 28; and many bills will be signed (or not) after that date. If you want to know what is happening with a bill after June 28, check the general court's website, or feel free to contact NHMA's government affairs staff.

2019 NHMA UPCOMING EVENTS FOR MEMBERS	
June 26	<b>Webinar:</b> 2019 Legislative Wrap-up
July 10	<b>Webinar:</b> Right-to-Know Law and Governmental Records
July 23	Regional RTK and Governmental Meetings (6:30 p.m. - Keene)
Aug. 6	Regional RTK and Governmental Records (1:30 p.m. - Moultonborough)
Aug. 14	<b>Webinar:</b> ZBA Basics in New Hampshire
Sep. 18	2019 Budget and Finance Workshop (Derryfield Banquet Fac., Manchester)
Sep. 26	2019 Budget and Finance Workshop (Mt. Club on Loon, Lincoln)
Oct. 5	2019 Fall Land Use Law Conference ( <i>Formerly Municipal Law Lectures</i> )
Oct. 9	Regional RTK and Governmental Records (1:30 p.m. – Lebanon)
To register for an upcoming event, go to our website: <a href="http://www.nhmunicipal.org">www.nhmunicipal.org</a> and scroll down on the left under CALENDAR OF EVENTS. Click on the green bar <i>View the Full Calendar</i> and go to the workshop or webinar you are interested in. For more information, please call NHMA's Workshop registration line: (603) 230-3350.	