

# LEGISLATIVE BULLETIN

## Senate Sends Big Package to House

In a lengthy session on Tuesday, the Senate made up for the three months that it had not met. Although officially it had only about two dozen bills on its calendar, each of those bills included an amendment, and the amendments collectively contained the language of perhaps 100 (maybe more—we did not count) House and Senate bills that were stalled in one chamber or the other because of the shutdown.

There were no surprises; every one of the bills passed—many of them unanimously (or, in several cases, 23-1), but many others on 14-10 party-line votes. As we explained last week, all of the bills, as amended, will now go to the House, which in each case may only (1) concur and send the bill on to the governor, or (2) not concur and let the bill die. There can be no committees of conference, because the deadline to form committees of conference has passed. The House also cannot amend any of the bills—it will be an up-or-down vote on each bill. Both the House and the Senate will next meet (and for the last time this year, other than to take up vetoes later in the summer or fall) on June 30.

The legislative session’s unusual denouement will make it a bit complicated for outsiders to find out what happened to bills they were following. For example, if you check the docket of [SB 456](#), relative to the use of capital reserve funds, you will see that it passed the Senate in March and was referred to the House Municipal & County Government Committee, but nothing happened after that. That is technically correct—but the exact language of that bill was included in an amendment to [HB 1234](#), which is now 69 pages long and also deals with topics as diverse as the administration of estates, the sale of products made with raw milk, and amendments to the charter of Brewster Academy. **HB 1234** is one of the bills the Senate passed on Tuesday.

Apart from the descriptions here, the only way to learn about what happened to any given bill is to read all the bills that passed this week, or to ask someone who knows—like NHMA’s government affairs staff! As always, once the legislative session ends, a complete description, by subject matter, of all new laws will be published in our Final Legislative Bulletin in August.

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All of the articles below are about bills the Senate passed on Tuesday; and again, all of these bills will go to the House on June 30. There was no other legislative action this week.

## Postponed Meetings and Town Expenditures

In one of its 23-1 votes, the Senate passed [HB 1129](#), which is intended to provide relief to towns that have been unable to hold their annual meetings this year. The bill, as amended by the Senate, authorizes a town, school district, or village district to hold a meeting using an alternative procedure that a few school districts have already employed. This is described in [last week's Bulletin](#).

Perhaps more important, the amended bill also extends the benefits of RSA 32:13, II, to towns and districts that have a May town meeting and/or a June 30 fiscal year. Under that statute, a town or district may make expenditures between January 1 and the date of its meeting that are reasonable in light of prior years' appropriations and expenditures for the same time period. But the current law applies only to towns and districts with a March meeting and a calendar fiscal year, so it does not help those with a May meeting or a June 30 fiscal year. The bill would fix that.

The unfortunate thing is that the bill may not be enacted in time to solve the expenditure problem for fiscal year towns. They lose their authority to spend money at midnight on June 30, and this bill will only get to the House on June 30. Assuming the House concurs, the bill then needs to be enrolled, be signed off on by the House Speaker and the Senate President, and be signed by the governor before it can take effect. To get that done in one day would be highly unusual, although not unprecedented.

For that reason, we are continuing to push a request for an executive order on this subject that we made to the governor some time ago. Time is getting short, but we are hopeful that the order will be issued before June 30.

Finally, let's not overlook the original text of [HB 1129](#), which remains intact and implements an **NHMA policy**. Section 1 of the bill allows a planning board to publish notice of hearings on proposed zoning amendments on the municipality's website, rather than in a newspaper as currently required. If a municipality uses this option, it would still be required to post notice of the hearing in two other public places—but using the website instead of a newspaper will save significant money as well as avoiding the common problem of meeting the newspaper's deadline for submission of advertisements.

## PFAS Standards and Funding

In what one senator described as “all of us coming together to support the science coming out of the Department of Environmental Services (DES),” the Senate passed [HB 1264](#) as amended in a 23-1 vote. The bill extends the commission on the seacoast cancer cluster investigation, sets the maximum contaminant levels (MCLs) for perfluorochemicals in drinking water, establishes the per and polyfluoroalkyl substances PFAS fund, establishes a low-interest loan program for certain water and waste water systems affected by PFAS contamination, makes an appropriation to DES for the remediation of PFAS contamination, allows DES to borrow money, requires insurance coverage for PFAS and PFC blood testing, and expands the statute governing ambient groundwater quality standards to include state maximum contaminant levels established in law.

The MCL levels set forth in this bill put into law the PFAS limitations established by DES in rulemaking. As one senator noted, “In anticipation of a further settlement of legal action taken against any potentially responsible parties, the establishment of a fund would facilitate future reimbursements of any of the loans that would go out to communities.”

NHMA and our members have long been very concerned about PFAS standards being established in the absence of state financial support toward compliance with those standards. However, this comprehensive bill authorizes the state treasurer to issue up to \$50 million in bonds against the credit of the state for the sole purpose of providing low-interest loans to water and wastewater systems for PFAS remediation projects, and it extends existing municipal immunity for damage claims based on per and polyfluorchemical contamination.

### **Absentee Voting and Processing of Ballots**

By a party line vote of 14-10, the Senate passed [\*\*HB 1672\*\*](#), which does two things that are important for the coming election season: (1) authorizes any voter to vote by absentee ballot without requiring an excuse; and (2) allows for early processing of absentee ballots.

No-excuse absentee voting is going to be important to minimize crowding at the September state primary and the November general election. This goal has, in effect, already been accomplished, because the attorney general and the secretary of state have issued an interpretation stating that any voter may vote by absentee ballot in the fall “based on concerns regarding COVID-19.”

Early processing of absentee ballots, however, is not authorized—that will require either legislation or an emergency order from the governor. Under the existing law (RSA 659:49-:55), the processing of completed absentee ballots may not begin earlier than two hours after the polls open on election day. It is an extremely tedious process that, in a normal presidential election year, takes several hours in most municipalities. In a year when five or six times as many absentee ballots may be received, it will simply be impossible for some towns to complete the process on election day or even the next morning. [\*\*HB 1672\*\*](#) allows the processing of absentee ballots to begin on the Thursday, Friday, or Saturday before an election. This would be a huge help.

Unfortunately, with all Senate Republicans voting against the bill, we are concerned that the governor will veto it (and the governor said in a press conference yesterday that he does not believe the no-excuse absentee voting provision is needed). We believe Republican senators, and the governor, might have supported the provision regarding processing of absentee ballots if it had been a stand-alone bill.

If the governor vetoes the bill—or if, less likely, the House kills it—we will pursue an emergency order allowing for early processing of absentee ballots.

### **DOT: Highway Block Grants and “Leased” Properties**

By a voice vote, the Senate passed [\*\*HB 1182\*\*](#) as amended, addressing a number of transportation and road-related issues. As reported last week, [Section 29](#) of the amended bill authorizes the Department of Transportation (DOT), with approval from the Legislative Fiscal Committee and the governor and executive council, to distribute funds at a percentage greater than the statutory 12 percent to municipalities for highway block grant aid. This provision would take effect if the department receives additional federal funds as part of COVID-19 relief and would provide distribution of municipal highway block grants up to the fiscal year 2021 budgeted amount.

Highway block grant aid distribution is based on actual revenues received in the highway fund through fiscal year 2020 (*i.e.*, through June 30, 2020). The state recently estimated fiscal year 2020 highway fund revenues to be under the revenue plan by an aggregate 7.5%. Section 29 would allow municipalities to be made whole in the event DOT receives significant federal COVID-19 relief funding.

**HB 1182** as amended also includes language originally contained in [SB 614](#) (section 6) which requires DOT to provide assessing officials, in municipalities where the department leases property to others, with copies of such leases by April 15, 2021, and annually thereafter.

## New Government Finance Advisor

Many readers know that Barbara Reid, NHMA’s Government Finance Advisor since 2005, is retiring this month. While we are *extremely* sorry to see her go, we are very pleased to welcome Becky Benvenuti as Barbara’s replacement.

Becky has had a long career in municipal government and finance. She served as town clerk and tax collector for the town of Newmarket from 2004 to 2013, and as revenue administrator and tax collector for the city of Portsmouth from 2013 until earlier this year.

Becky is a certified New Hampshire town clerk-tax collector and certified municipal clerk, as well as past president and current member of the New Hampshire Tax Collectors Association and former executive board member of the Northeast Regional Tax Collectors Association. She already knows her way around the state house and the LOB—she has testified frequently at the legislature on bills affecting municipal finance and administration.

Although Becky is coming in just as the legislative session ends, we know she will be raring to go when the 2021 session begins. Meanwhile, she will have plenty of other finance-related matters to keep her busy.

Welcome, Becky!

## And Speaking of Barbara . . .

It’s unfortunate that her retirement comes when we are all working at home and she is not able to say good-bye in person to her co-workers or all the people she has worked with in local government and at the legislature. We did have a pre-retirement celebration of sorts at our annual conference in November. Part of that included an amateur(ish?) performance of the following song in Barbara’s honor.

We booked Billy Joel to come up and do a better rendition this month, but the coronavirus put the kibosh on that plan. You’ll just have to imagine how [his version](#) might sound.

### She’s Always a Lobbyist

She can add and subtract without opening her eyes;  
She can calculate tax rates and then equalize.  
She makes beautiful graphs for our members to see.  
Her first love is math, but she’s always a lobbyist to me.

(continued)

She can tell you 'bout pensions, group 1 and group 2  
And the special account, and gain sharing, too.  
She'll oppose all new mandates unless they are free.  
Her background's in tax, but she's always a lobbyist to me.

Oh . . . she takes care of our towns,  
Helps them do what they want  
If it isn't a crime.  
Oh . . . and she never gives up,  
And she never gives in.  
She just changes your mind.

She'll recite current use rates, as easy as breathing.  
When she talks about TIF districts, you'll soon be sleeping;  
But we need her advice about taxes and fees.  
Blame it all on the state, 'cause she's always a lobbyist to me.

Congratulations and best wishes, Barbara!

## **SENATE FLOOR ACTION**

Tuesday, June 16, 2020

**HB 1111**, relative to municipal broadband infrastructure bonds and establishing communication districts. **Passed with Amendment.**

**HB 1129**, relative to notice requirements for certain municipal public hearings, providing for optional town meeting procedures during the state of emergency declared in response to the novel coronavirus disease (Covid-19), and relative to online reporting of CARES Act disbursements. **Passed with Amendment.**

**HB 1182**, establishing the commission to study the on road usage of non-traditional motor vehicles, relative to motor vehicles and transportation, relative to roadable aircraft, adopting the 10-year transportation improvement plan, relative to highway block grants, and relative to reporting by the department of transportation of information regarding leased property. **Passed with Amendment.**

**HB 1234**, relative to state and local government administration. **Passed with Amendment.**

**HB 1245**, adopting omnibus legislation concerning state agencies. **Passed with Amendment.**

**HB 1247**, relative to mortgage defaults, nonpayment of rent, and rental assistance provided by municipalities. **Passed with Amendment.**

**HB 1264**, extending the commission on the seacoast cancer cluster investigation, setting the maximum contaminant levels for certain perfluorochemicals in drinking water, establishing a per and polyfluoroalkyl substances fund and programs and making an appropriation therefor, requiring insurance coverage for PFAS and PFC blood tests, and expanding the statute governing ambient groundwater quality standards. **Passed with Amendment.**

**HB 1494**, adopting omnibus legislation concerning workers. **Passed with Amendment.**

**HB 1558**, relative to discipline of students, addressing students' behavioral needs, and making an appropriation therefor; kindergarten funding; violence in schools; policies for students with head injuries; child sexual abuse prevention education and training; authorizing the issuance of bonds or notes by a municipality; adding the chancellor of the university system of New Hampshire to the department of business and economic affairs council of partner agencies; change of school or assignment due to manifest educational hardship; school board expenditure of year-end fund balances; a children's system of care; student wellness; and criminal background checks for bus drivers. **Passed with Amendment.**

**HB 1672**, relative to absentee voting. **Passed with Amendment.**

<b>2020 NHMA UPCOMING MEMBER EVENTS</b>	
June 25	Weekly COVID-19 Call with NHMA (1:00 p.m.)
July 15	<b>Webinar:</b> The Right-to-Know Law and Governmental Records (12:00 – 1:00)
Please visit <a href="http://www.nhmunicipal.org">www.nhmunicipal.org</a> for the most up-to-date information regarding our upcoming training opportunities and events. For more information, please call NHMA's Workshop registration line: (603) 230-3350.	