

LEGISLATIVE BULLETIN

Electronic Check-In Checks Out

Bulletin #21, 2016 Session
May 20, 2016

HB 1534, the bill that was amended in the Senate to authorize a pilot project for an electronic voter check-in system, and which had the strong support of NHMA and many municipal clerks and other local officials, is no longer. It wasn't killed, exactly; it just sort of went away.

We mentioned in [last week's Bulletin](#) that the amendment might be ruled impermissible in the House, because it was "substantially similar" to a bill that the House killed last year. That is what happened. The Speaker disallowed the bill and sent it back to the Senate—except that the Senate couldn't accept it, so it was left in purgatory.

The bill was never brought up for a vote in the House, and when a supporter asked the Speaker where it was, he explained that it was "in the state archives." That led to a brief debate about how it got there and about the House rules, but no one formally moved to challenge the Speaker's ruling—and that was the end.

The procedural objection was legitimate, but it won't be available next year, when the issue is certain to return.

Committees of Conference Begin

The legislature finished establishing committees of conference yesterday, and the committees have begun to meet. They have only until next Thursday, May 26, to reach agreement (or not) on the bills assigned to them. The following bills of municipal interest have been sent to committees of conference:

- **HB 285—consultation with legal counsel.** This deals with a public body's consideration of correspondence from legal counsel under the Right-to-Know Law. The version adopted by the House allows a public body to go into non-public session to consider and discuss correspondence from legal counsel. The Senate version expands the definition of a "consultation with legal counsel"—which is exempt from all public

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meeting requirements--to include “consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present.” The difference between the two versions is subtle but important. Although the House version is an improvement on current law, the Senate version is a bigger improvement.

- **HB 606—charging for electronic records.** This point of this bill is to clarify that a public body or agency may not charge a fee for the mere inspection, without copying, of a governmental record and may not charge a fee for delivering a record electronically. Both the House and the Senate sought to achieve that result, but we believe the Senate version says it much more clearly.
- **HB 1428—state aid grants and police training.** This bill, which originally provided funding for certain wastewater projects, became the proverbial “Christmas tree,” with a number of ornamental amendments attached to it in the Senate. This included the Senate plan for addressing the shortfall at the police academy by placing all penalty assessment fees in the general fund and providing a general fund appropriation of \$3.5 million to cover anticipated expenses through June 30, 2017. The House remedy to the police academy situation is contained in **SB 527**, which funds just the current shortfall of \$500,000 and deals with a permanent funding solution as part of next year’s biennial budget process. **SB 527** is also going to a committee of conference. While the Senate conferees are the same on both bills, the House members are different.
- **HB 1660—RGGI funds.** The Senate amended this bill (the underlying bill deals with eminent domain takings by gas pipeline companies) to include the text of **SB 492**, which would increase by \$3 million the amount distributed to cities and towns for energy efficiency projects from the sale of carbon allowances under the regional greenhouse gas initiative. **SB 492** had been tabled in the House. We have written about this issue several times, and we strongly support keeping the provisions of **SB 492** in the bill.
- **SB 411—voluntary and involuntary mergers.** We wrote about this bill in excruciating detail two weeks ago in [Bulletin #19](#). Although we supported the underlying bill, dealing with voluntary mergers, the House amendment, dealing with *in*voluntary mergers, is bad enough, and a workable compromise is unlikely enough, that we would prefer to see the bill die and let the legislature start over with a new bill next year.

Please check the [Committees of Conference](#) page on the legislature’s website, or each bill’s docket, for information about who is on the committees and when they are meeting. If you know legislators on the committee of conference, please speak to them and encourage them to do the right thing.

Concurrences

Also yesterday, the House and Senate agreed on a number of bills, meaning that no committee of conference is required, and the bills will go next to the Governor. Among these were the following:

HB 430—veterans' tax credit. This bill allows any municipality to vote to expand the veterans' tax credit to all honorably discharged veterans with more than 90 days of active service, as opposed to the current law that allows the credit only for those who served in a qualifying conflict.

HB 1395—retention of electronic records. This **NHMA policy bill** provides that for municipal records that are required to be retained for ten years or longer, the records may be stored in portable document format archive (PDF/A), as an alternative to paper or microfilm.

NHMA Making Virtual and Tangible Moves

NHMA is in the process of establishing a new computer network and moving to the Cloud. We have started that process, and while it is going well, these things are never completely flawless! The change also takes some getting used to, so please bear with us as we go.

Next Wednesday, May 25, we will be cutting over our email, so we will likely be without email for much of the day. Two attorneys will be at an all-day Local Officials Workshop, however, and two other staff members will be at the annual New Hampshire Road Agents Association Mountain of Demonstrations event, which will make them unavailable all day. Your emails will queue for when we go live again, and we will respond as soon as possible.

NHMA is also moving to new space within the building at 25 Triangle Park Drive. That move will take place early in June—perhaps the 6th and/or 7th—and will necessitate some down time to move all our equipment and reactivate everything. We will do our best to keep you informed and to be responsive to your needs during this upheaval...er, we mean this period of change! We continue to be grateful to all our members for their strong support.

To view the weekly Legislative Bulletin from the NH School Boards Association, please click [here](#).

Upcoming Events for NHMA Members

NHMA Workshops

May and June, 2016—Local Officials Workshops—Various Locations

June 10, 2016 [2016 Avoiding the Road to Liability](#), Concord, NH at 9:00 a.m.

June 16, 2016 [Fundamentals of Local Welfare](#), Concord, NH at 9:30 a.m.

For more information please access our website: www.nhmunicipal.org and scroll down on the left to CALENDAR OF EVENTS and Click *View the Full Calendar*.

Contact us by phone at 1-800-852-3358 x3350 or email us at NHMAregistrations@nhmunicipal.org

NHMA Webinar

June 8, 2016 2016 Legislative Wrap-up
Time: 12:00—1:00 p.m.
Click [here](#) to register by noon on June 7, 2016

Join Government Affairs Counsel Cordell Johnston and Government Finance Advisor Barbara Reid for a review of the highlights of the 2016 legislative session. This will be several weeks after the legislative session ends, so except for possible vetoes, all legislative action will be final.

This webinar will discuss the most significant bills of municipal interest that made it through the legislature this year, as well as a few that failed but may be back in the future. The discussion will include, among others, state aid grants for water and wastewater facilities, assessing issues, planning and zoning, the Right-to-Know law, municipal liability, election laws, and various other changes affecting municipal governance and administration.