

LEGISLATIVE BULLETIN

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2013 Session

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INSIDE THIS ISSUE:

Voter ID	3
Processing Absentee Ballots	3
Background Checks for Youth Skill Camps	4
Important Meeting on Highway Funding	4
MS4 Stormwater Meeting on Monday	4
House Calendar	5
NHMA Webinars	6

Six More Days

Yesterday was the deadline for committees of conference to reach agreement on all bills. Each committee’s report (which in some cases states that the committee could not reach agreement) will go to both the House and Senate next Wednesday. Each body will vote on the committee report separately, and the only choice is a yes or no vote; no further amendments can be made by either chamber. With respect to those bills on which a committee of conference has reached agreement, if both chambers adopt the committee report, the bill is passed and goes to the Governor. If either chamber rejects the committee report, the bill dies. Next Thursday is the deadline for action on all committee of conference reports.

The articles that follow summarize the committee of conference actions on bills of significant interest to municipalities. Committee of conference recommendations are *almost* always accepted by both chambers, so it is *reasonably* safe to expect that everything reported below will pass next week and go to the Governor. Of course, Yogi Berra had something to say that applies here, so please check next week’s *Bulletin* (the last weekly *Bulletin* this year) to make sure there are no surprises.

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Budget Conferees Reach Agreement

Several days of brinkmanship on the part of the House and Senate members of the budget committee of conference finally ended in compromise in the wee hours of Thursday morning. The resulting biennial state operating budget proposal will be presented to the full House and Senate next Wednesday for their adoption. The major areas of contention between the conferees included Medicaid expansion, personnel cuts/pay raises associated with tentative collective bargaining agreements for state employees, and revenue estimates for the upcoming biennium. As these major items were resolved, other differences between the House and Senate versions of the budget were eventually reconciled as well.



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Budget Conferees - continued

Both the House and the Senate were very supportive of municipal funding priorities, with the House conferees acknowledging that they had wanted to fully fund programs like the state aid environmental grants and flood control payments in their budget, and that they appreciated the Senate actions to do so. Here is a summary of the items of municipal interest included in the committee's final version of the budget:

Meals & Rooms Tax Distribution: Meals and rooms tax funding at \$58.8 million in fiscal year 2014 and an increase in the appropriation to \$63.8 million in fiscal year 2015 as a result of the restoration of the statutory catch-up formula, which has been suspended since 2009. **(NHMA Policy.)**

State Aid Environmental Grants for Water, Wastewater, and Landfill Closure: Funding beginning in 2014 for the 127 completed and eligible drinking water, wastewater, and landfill closure projects, affecting 60 municipalities, on the Department of Environmental Services' "delayed and deferred" list. State funding for these projects is \$9.5 million for the upcoming biennium and more than \$52 million over the life of the payment terms on the projects. There is a moratorium on funding any new infrastructure projects that did not have local financing authorization by December 31, 2008. However, there are two bills (**HB 338** and **HB 397**) currently retained in the House Resources, Recreation and Development Committee that will serve as policy vehicles for further House study, review, and consideration of the state's future partnership role in these infrastructure programs. **(NHMA Policy.)**

Land and Community Heritage Investment Program (LCHIP): Funding of \$8.5 million for LCHIP over the biennium, placing all of the revenue raised by the real estate transfer tax recording surcharge into the LCHIP trust fund, rather than having a portion of that revenue go to the general fund. **(NHMA Policy.)**

Flood Control: Funding of \$1.6 million for payments in lieu of taxes for municipalities with land in flood control compacts, and repeal of the section of current law that limits these payments to only the New Hampshire share (generally 30%) in the event that other states do not pay their share. **(NHMA Policy.)**

Highway Block Grant: Maintenance of highway block grant funding of \$60 million over the biennium.

Vital Record Fees: Increase in the portion of the copying fees for vital records that is retained by municipalities and elimination of the amount remitted to the state treasurer for deposit into the general fund, resulting in an additional \$600,000 in municipal revenues over the biennium.

In a difficult budget year (as it seems they all are), it is especially encouraging that the legislature has chosen to recognize and honor its commitment to municipal funding needs. We thank the members of the [HB 1 and HB 2 committees of conference](#) for their hard work on the budget and for their attention to municipal priorities.

Compromise on Voter ID

HB 595, an **NHMA policy bill** relative to the voter identification law, navigated a somewhat rocky road to a final deal this week. The committee of conference met on Tuesday and quickly arrived at an impasse, with House members insisting that the law continue to allow recognition of student IDs, and senators opposed. The bill was left for dead, and many moderators and municipal clerks were left very unhappy--especially in cities that have elections this year. Had the bill failed, phase 2 of the law enacted last year would have taken effect September 1, requiring election officials to begin taking photographs of voters without ID at this fall's elections.

Fortunately, House and Senate negotiators seemed to recognize that this would serve no one's interest, and the committee re-convened on Thursday morning. A deal had been worked out the night before (don't try this at home, municipal officials!), and the committee approved it with no debate. Here are the details:

- The effective date of phase 2 is delayed to September 1, 2015.
- In the interim, allowable forms of ID include (1) a driver's license issued by any state or the federal government; (2) a non-driver's ID card issued by the New Hampshire DMV or by any other state's motor vehicles division; (3) a U.S. armed services ID card; (4) a U.S. passport; (5) a valid high school or college student ID; (6) other identification deemed legitimate by election officials; or (7) verification of identity by an election official.
- Any form of identification must have an expiration date that has not been exceeded by more than five years, except that a voter age 65 or older may use an identification without regard to expiration date, and student ID cards without an expiration date or date of issuance are acceptable until September 1, 2018.

We want to thank the committee members who set aside politics in the interest of keeping the election process manageable. We also thank and congratulate all the moderators and clerks who contacted legislators to let them know how important this bill was to local election officials.

Processing Absentee Ballots

The committee of conference on **HB 183**, an **NHMA policy bill** relative to processing absentee ballots, reached an agreement much more easily, with the Senate conferees accepting the House version. The bill approved by the committee eliminates the requirement that moderators wait until 1:00 p.m. on election day to begin processing absentee ballots. Instead, they will be permitted to begin processing the ballots two hours after the polls open. The bill also eliminates the requirement that processing of absentee ballots be delayed until the polls close upon the request of any ten voters. The committee rejected a Senate provision that would have required the moderator to post notice in three places of the time at which processing absentee ballots will begin.

Background Checks for Youth Skill Camps

On **HB 295**, requiring criminal background checks for volunteers and employees at youth skill camps, the House conferees essentially accepted the Senate's position. (See [Legislative Bulletin #24](#) for a summary of the bill.) This was a disappointment, because the House version of the bill exempted municipalities, while the Senate version did not. However, as we stated before, it was difficult to argue for an exemption, and there was clearly no support for it in either body (despite the House's earlier inclusion of it). NHMA's request that municipalities be exempt from the \$25 fee also was rejected, but the committee did adopt a proposed change to allow a school district that has performed a background check to share the results with a municipality that needs to perform a similar check, subject to the individual's written consent. (Subsequent discussions suggest that this may not be as easy as it sounds, but we are optimistic that it will be somewhat helpful.)

There is some ambiguity about exactly what programs will be subject to this new requirement. Assuming the bill becomes law, the Department of Environmental Services, which has regulatory authority, will begin a rule-making process within the next few months, which we will follow closely. The new requirements will not take effect until January 1, 2014. If you have any questions in the meantime, please contact the Government Affairs staff.

Important Meeting with DOT on Highway Funding

Next Tuesday, the House Public Works & Highways Committee will hold a full-committee informational session with officials from the state Department of Transportation to hear about "consequences and scenarios for future DOT budgets without additional highway fund revenues." We can predict with reasonable certainty that the "consequences and scenarios" will not be pretty. They will almost certainly involve reduced aid for municipal roads and bridges; the only question is how bad it is likely to be.

This is an important meeting, and we encourage local officials to attend. It is not a hearing, so there will not be an opportunity for public comment, but we believe the information provided will be extremely important — especially as we begin to lay the groundwork for a renewed push for highway funding next year. The meeting is on **Tuesday, June 25, at 1:15 p.m., in LOB Room 201.**

MS4 Stormwater Meeting on Monday

On **Monday, June 24, at 2:00 p.m.**, the New Hampshire Municipal Association and the New Hampshire Municipal Lawyers Association will host an informational meeting for municipal officials about EPA's 2013 draft MS4 general permit, relative to stormwater discharges in some 60 affected municipalities in southern and eastern New Hampshire. The purposes of the meeting are to help affected municipalities understand the consequences of the draft permit and what their options are, and to share information about what various municipalities are doing and explore opportunities for collaboration.

MS 4 Stormwater - continued

The meeting will begin with a presentation by William Taylor and Aubrey Strause about the MS4 permit and the options available to municipalities. Mr. Taylor is a partner in the Portland, Maine law firm of Pierce Atwood, and is one of the region's leading experts on stormwater and wastewater regulation. Ms. Strause is a professional engineer with extensive experience in wastewater and stormwater management in Maine, New Hampshire, and Massachusetts.

Their presentation will be followed by discussion among local representatives about several initiatives that are currently under way, including comments on the draft permit that are due by August 15 and discussions with DES about its role in the process. The meeting should enable each municipality to understand the options available so that it can plan its actions, either individually or as part of a group.

The meeting is open to all municipal officials and representatives. Registration is not required, but ***please notify NHMA if you plan to attend.*** To do so, or if you have questions, please contact NHMA's Government Affairs staff at govern-mentaffairs@nhmunicipal.org or 800-852-3358, ext. 3408.

HOUSE CALENDAR

TUESDAY, June 25

PUBLIC WORKS AND HIGHWAYS, Room 201, LOB

1:15 p.m. Full committee informational session with DOT officials on consequences and scenarios for future DOT budgets without additional highway fund revenues.

FRIDAY, June 28

ASSESSING STANDARDS BOARD (RSA 21-J:14-a), Department of Revenue Administration, 109 Pleasant Street, Concord

8:30 a.m. Equalization subcommittee meeting.



NHMA Right to Know Webinar Series

[Register on-line](#)

sign up once to participate in one or both sessions.



Notices and Minutes under the Right to Know Law

July 17, 12:00 p.m.

This webinar will focus on the requirements for posting notice for public meetings, nonpublic sessions, and public hearings, along with the issue of meeting agendas. We will also discuss meeting minutes, including the information required, deadlines, draft v. approved minutes, the process for amending minutes, and how to handle the material used to create the minutes. This webinar is designed for both the administrative staff handling notice and minutes for municipal boards and the board members whose meetings generate these questions.

Handling Requests for Records under the Right to Know Law

July 24, 12:00 p.m.

All municipalities receive requests for records from the public and the media. This webinar will focus on the legal requirements for responding to requests, including time limits, appropriate responses, format of records provided, and limitations on the public's rights to governmental records. We will also offer some practical suggestions for developing a response plan in your municipality and communicating it effectively to those on the front lines receiving the requests.

Presented by NHMA Staff Attorneys Chris Fillmore and Paul Sanderson.



**These webinars are complimentary
and available only to members of
the NH Municipal Association.**

For registration questions, please contact: Christian Pearsall
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