

# LEGISLATIVE BULLETIN

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2013 Session

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## End of the Road for Gas Tax Bill Can't Get There from Here

The Senate on Thursday overturned the Ways & Means Committee's recommendation that **HB 617**, increasing the road toll, be re-referred to the committee and instead voted to “indefinitely postpone” the bill. An indefinite postponement kills a bill, and then some. Senate rules state, “No part of a bill or resolution postponed indefinitely shall be acted on in any way (bill, amendment, resolution, conference report, etc.) for the rest of the biennium.” This seems to rule out any possibility that a road toll increase could be revived in a committee of conference on the budget, and it's clear that was the intent.

Combined with the House's killing of the casino bill, **SB 152** (see article below), the Senate's action ensures that there will be no additional revenue this year for municipal roads and bridges, even though almost everyone in both bodies seems to recognize the critical need for such funding. Indeed, there were suggestions that the Senate's vote was in retaliation for the House vote on **SB 152**. This is certainly disappointing—the defeat of the casino bill should have made senators *more* willing to increase the road toll, not less so, since the casino bill had been sold as an alternative means of funding (however remote and speculative) for roads and bridges. With the casino bill dead, the road toll bill was the only alternative. Now, municipalities are left with the same options they've had for years — raise property taxes, or let the roads continue to crumble and keep closing bridges.

Indefinite postponement also prohibits the Senate from considering the same “subject matter” next year (although a mere “inexpedient to legislate” vote would have had the same effect, *see* [Senate Rule 3-21](#)). What exactly constitutes the same subject matter is a matter of interpretation, and was discussed at some length on the Senate floor. One senator, speaking in opposition to the indefinite postponement motion, said the subject matter was “roads and bridges” — which would mean an awfully broad area would be off limits next year — but the Senate President said the subject matter was “a 67 percent increase in the gas tax,” implying that legislation proposing a different level of increase might be permitted.

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## Gas Tax Bill - continued

The chairman of the Senate Transportation Committee, long a supporter of increased funding for infrastructure (although not of **HB 617**), stated during the floor debate:

I believe we're all sent up here to solve problems. . . . I will support the indefinite [postponement] motion only because I have assurances that . . . next year we can have legislation that is different but pertinent to the resolution and solution of our infrastructure needs. I believe our business community and our citizens demand a solution. . . . I will support this motion, but *only* because I believe we will solve this issue *next year*, independent of the budget, independent of anything other than to resolve the issues for our businesses and our citizens, and if we can't do that, then none of us should run again, because our citizens *demand* that we take care of our problems. If we don't solve our problems, shame on all of us. *Next year we'll get this done.*

NHMA members support an increase in the road toll to help solve this obvious problem. It is a shame that it has to wait a year, but municipalities will be watching.

## Senate Continues Budget Work

This week the Senate Finance Committee continued work on **HB 1** and **HB 2**, the biennial state operating budget and the trailer bill that will enact statutory changes necessary to implement the budget. As we reported in [last week's \*Legislative Bulletin\*](#), there is approximately a \$287 million difference in estimated revenues between the House and Senate.

Although the Finance Committee completed review of over 20 state agency budgets this week, the largest agency budget (Department of Health and Human Services) has yet to be fully tackled. Additionally, the committee placed a number of budget items on "hold" pending an analysis by the Legislative Budget Assistant's Office on the net effect of the committee's recommendations so far that both add to and deduct from the House version of the budget. It is expected that this analysis, known as the surplus statement, will be presented to the committee today (Friday), providing an estimate of the budget gap that the committee must still address.

The committee's recommendations for the Senate's spending priorities will be finalized by next Tuesday, for action by the full Senate on June 6. Next week's *Bulletin* will provide a summary of the municipal items contained in the Senate Finance Committee's recommended budget.

## Senate Passes Amended Voter ID Bill

The Senate on Thursday passed an amended version of **HB 595**, an **NHMA policy bill** that, as passed by the House, would have repealed “phase 2” of the voter identification law that was passed last year. Phase 2, which is currently scheduled to take effect on September 1 of this year, would reduce the number of identifications that are acceptable to obtain a ballot. In addition, while phase 2 would still allow a voter without an ID to vote by completing a qualified voter affidavit, the moderator or designee would be required to take a picture of the voter and attach it to the affidavit. NHMA supports the repeal of phase 2 because it would impose unnecessary costs and burdens on municipalities and election workers.

The Senate version of the bill, which would take effect this year, merely delays implementation of phase 2 for two years (until September 2015), instead of repealing it. It also allows more forms of identification than phase 2 would allow, but fewer than phase 1 currently allows. A table showing which identifications would be permitted under phase 1, under the Senate's amendment to **HB 595**, and under phase 2, appears in [Legislative Bulletin #21](#). A floor amendment adopted by the Senate would essentially amend phase 2 (once it takes effect) by continuing to allow election officials to vouch for the identity of a voter they recognize.

As we indicated previously, this bill is almost strictly a partisan issue, and the Republican-supported Senate version will now go to the Democratic House for consideration. We cannot imagine that the House will concur with the Senate version, so presumably there will be a committee of conference. NHMA's position, as stated in [Legislative Bulletin #21](#), has not changed: we prefer the House version of the bill, but we can live with the Senate version. We hope one version or the other will survive.

## House Kills Casino Bill

By a vote of 199-164, the House on Wednesday defeated **SB 152**, which would have authorized the establishment of a casino in New Hampshire and taxed the revenue to fund a number of programs, including state and municipal road construction and maintenance. There were many proposed amendments to the bill, but the first motion taken up was the committee's recommendation of Inexpedient to Legislate. After more than two hours of debate, the chamber adopted that motion, thus rendering the proposed amendments moot.

## House Gives Final Approval to Municipal Bills

The House this week concurred with Senate amendments to several bills of municipal interest. The House concurrence constitutes final approval of the bills, so each will go now to the Governor. The following bills were approved:

- **HB 134**, which authorizes a town to establish a contingency fund to meet unanticipated needs. The fund would be established annually by vote of the legislative body, and could not exceed one percent of the amount appropriated during the preceding year, exclusive of capital expenditures and amortization of debt.

### Municipal Bills - continued

- **HB 138**, which allows a town with the official ballot referendum (a/k/a SB 2) form of town meeting to place a topical description of a proposed ordinance or amendment on the warrant, rather than the full text of the ordinance or amendment. The full text would be required to be on file at the town clerk's office and displayed at the polling place.
- **HB 522**, an **NHMA policy bill**, which allows the selectmen to sign a manifest “noncontemporaneously” outside a public meeting. The “noncontemporaneously” restriction means that a quorum cannot be convened to sign the manifest without treating it as a public meeting and complying with the Right-to-Know Law. So long as there is not a contemporaneous convening of a quorum, signing the manifest outside a public meeting will be permitted. The manifest would still be a public record and subject to disclosure under the Right-to-Know Law.

### The Road from Here

You will notice that there are no House or Senate hearings listed in the calendar section of this week's *Bulletin*. This is because, except for a few bills that still need to go to a second committee, committee hearings are over. Over the next few weeks, committees will finish taking action on bills that have had hearings, and both chambers will be in session next week and the following week to act on remaining bills. The deadline for each body to act on all bills is June 6.

Committees of conference will begin meeting soon. The best place to find information about those meetings is on [the legislature's website](#), which will eventually have a link on the home page to information about each committee of conference. Those meetings are scheduled on relatively short notice, so the *Legislative Bulletin* is not the place to look for information. However, please feel free to contact the Government Affairs staff if you have a question about any bill.

Also, House subcommittees have begun to meet on bills that have been retained in the House, although most of the work on those bills will occur over the summer and in the fall. Watch the *Bulletin* for information about retained bill subcommittee meetings in June.

### HOUSE/SENATE CALENDARS

There are no hearings on bills of municipal interest.



### HOUSE FLOOR ACTION

Wednesday, May 22, 2013

**SB 185**, establishing a commission on housing policy and regulation. **Passed with Amendment.**

**SENATE FLOOR ACTION**

Thursday, May 23, 2013

**HB 119**, relative to voter registration. **Passed with Amendment.**

**HB 123**, relative to the limitation of liability for negligence regarding public safety officers. **Passed with Amendment.**

**HB 124-FN**, relative to the determination of gainful occupation for a group II member receiving an accidental disability retirement allowance from the retirement system. **Passed with Amendment. Referred to Finance.**

**HB 187**, relative to cost items in negotiated agreements. **Passed.**

**HB 189**, extending the commission to study water infrastructure sustainability funding. **Inexpedient to Legislate.**

**HB 200**, relative to an employer's burden of proof in unemployment compensation hearings. **Re-referred.**

**HB 269-L**, authorizing a city or town to conduct a special meeting necessitated by changes in adequate education funding. **Passed with Amendment.**

**HB 278**, relative to voluntary installation of fire suppression sprinklers. **Passed with Amendment.**

**HB 342-FN**, relative to reporting of compensation paid to retired members of the retirement system. **Passed with Amendment.**

**HB 352**, relative to sending checklists to the state archives. **Passed.**

**HB 364**, relative to notice required concerning employment of a retired member of the New Hampshire retirement system of the limitations on part-time employment. **Inexpedient to Legislate.**

**HB 442**, prohibiting residency restrictions for registered sex offenders and offenders against children. **Passed with Amendment.**

**HB 501-FN**, instituting a state minimum hourly rate. **Inexpedient to Legislate.**

**HB 506**, relative to certain time periods for adoption and amendment of town codes and ordinances. **Passed with Amendment. NHMA Policy.**

**HB 507-FN**, relative to the maximum permit application fee for certain municipal dredging projects. **Passed.**

**Senate Floor Action** - continued

**HB 581-FN-L**, relative to recovering moneys from a neighboring state for mitigation of flooding. **Passed.**

**HB 595-FN**, relative to photo identification of voters. **Passed with Amendment. NHMA Policy.**

**HB 617-FN-A-L**, increasing the rate of the road toll, establishing the New Hampshire state and municipal road and bridge account, and establishing the commission to study revenue alternatives to the road toll. **Indefinitely Postponed. NHMA Policy.**

**HB 634**, relative to water resource management and protection plans in municipal master plans. **Passed with Amendment.**

**HB 655-FN**, relative to the collection of the amount of the property tax deferral for the elderly or disabled upon sale of the property. **Passed.**





# Fundamentals of Local Welfare



New Hampshire Local Welfare Administrators Association

An informative session for municipal officials *new* to local welfare administration.

**Thursday,  
June 13, 2013**

10 a.m. – 2:30 p.m.

Workshop presented by  
NHMA & NHLWAA

at the Local Government Center  
Concord, NH

**Cost: \$40**

Members of the New Hampshire Municipal Association and members of the New Hampshire Local Welfare Administrators Association are welcome to attend.

Attendees will receive a copy of NHMA's 2013 edition

*The Art of Welfare Administration.*

## Agenda:

**9:30 a.m. Registration & Coffee**

**10 a.m. The Art of Welfare**

This session provides a basic overview of New Hampshire law governing local welfare administration, including why guide lines are important, how assistance is provided, and anticipated legislative changes. This session also will address fair hearings, suspension of assistance, and more.

*Judy A. Silva, Interim Executive Director, NH Municipal Association*

**Noon Hot Lunch Buffet**

**1 p.m. The Art of Local Welfare Panel Discussion**

Members of the New Hampshire Local Welfare Administrators Association Executive Committee will respond to questions, share practical tips, and provide guidance in the "art" of managing a sound welfare program.

*Robert Mack, Welfare Officer, City of Nashua*

*Todd Marsh, Welfare Director, City of Rochester*

*Charleen Michaud, Welfare Specialist, City of Manchester*

*Elizabeth Sayre, Human Services Manager, City of Keene*

*Jackie Whatmough, Human Services Director, City of Concord*

**2:30 p.m. Adjourn**

Register online today at [www.nhmunicipal.org](http://www.nhmunicipal.org) and click Training & Events under Related Links.

Online pre-registration required by June 6. Space is limited.

Questions? Call 800.852.3358, ext. 3350 or email [NHMAregistrations@nhmunicipal.org](mailto:NHMAregistrations@nhmunicipal.org).