

# LEGISLATIVE BULLETIN

## Committees of Conference Begin

Bulletin 24 - 2017 Session  
June 9, 2017

Committees of conference have begun meeting. There will be a frenzy of meetings over the next six days, as approximately three dozen committees—most of which were not formed until yesterday—must complete their meetings and sign off on their reports by next Thursday, June 15. (See [last week's Bulletin](#) for an explanation of the process.) All committees of conference, with their members and meeting times and locations, are listed [here](#)—or go to the [general court website](#) and find the “Committees of Conference” link on the left side of the page, under “General Court News and Hot Links.”

However, the website is not always the best place to find out what is happening with the committees. After the initial meeting, a committee may recess and reconvene before a new notice can be posted. And then there is the reality that not all of the work—or, sometimes, any of the work—gets done in the public committee meetings. We have, in fact, already heard about a few expected results from committees that have not met yet!

If you really want to know what is going on, there are two principal options: (1) camp out at the Legislative Office Building next week; or (2) call NHMA with any questions.

## Highway and SAG Funding Bills Head to Governor

On Thursday the Senate concurred with the amendments approved by the House last week on [SB 38](#), providing \$36.8 million in additional highway and bridge funding for municipalities, and [SB 57](#), providing \$3.5 million in state aid grant (SAG) funding for 19 municipal water and wastewater projects in 10 municipalities. These **NHMA policy bills** now head to the Governor, who has the choice to either sign the bills, veto them, or allow them to become law without his signature. The Governor made very clear in his budget address that funding for infrastructure improvements was a priority, so we have every reason to believe he will sign these bills. Once he does, the funding provisions of both bills

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becomes effective upon passage (*i.e.*, the date of the Governor’s signature). Since both bills are funded from the anticipated June 30, 2017 general fund surplus, we anticipate action by the Governor before then.

Thank you to Senate and House members who sponsored these bills targeting state aid for local infrastructure improvements and to all legislators who voted in support of **SB 38** and **SB 57!**

## House and Senate Budget Negotiations Underway

This week the House Speaker and Senate President named their respective members of the committee of conference on the state operating budget as contained in **HB 144** and **HB 517** (a.k.a. **HB 1** and **HB 2**). The conferees began meeting this morning and have a deadline of next Thursday, June 15, to reach agreement on the approximately \$12 billion spending plan for the next two years. [Bulletin #23](#) included the list of funding and other provisions of interest to municipalities as contained in the Senate version of the budget. [Bulletin #14](#) included the list of municipal funding supported by a majority of the House Finance Committee. Since the House did not pass a budget of its own, the Senate included language in **HB 517** recognizing the House Finance Committee’s budget proposal for purposes of committee of conference deliberations.

We affectionately refer to next week as our biennial trip to “Camp LOB” – and yes, we will be camped there morning, noon, and into the wee hours of the night if need be. After all, we’ve come this far – we certainly don’t want to miss a single moment of budget negotiations!

## Resolution on Short-Term Rentals?

A committee of conference has been formed on **HB 654**, the bill we have written about recently that would limit municipal authority to regulate short-term and vacation rentals. We are optimistic that the committee can reach a quick resolution based on a compromise amendment that the interested parties have negotiated. Under the proposed amendment, a municipality would be prohibited from using RSA 48-A, the housing code statute, to impose additional regulations or restrictions on properties used as vacation or short-term rentals. However, the amendment does not limit municipal zoning authority with respect to such properties, which has been our primary concern. It strikes us as a reasonable compromise, and we hope the committee will adopt it.

## Two RTK Bills to Governor

The House has concurred with Senate amendments to two bills amending the Right-to-Know Law. Both bills will go next to the Governor.

**HB 170** deals with the posting of meeting notices and minutes on a public body’s website. It states that:

- (1) *if* a public body maintains an Internet website or contracts with a third party to do so, then it shall either: (a) post its approved minutes “in a consistent and reasonably accessible

location on the website” or (b) post and maintain a notice on the website stating where the minutes may be reviewed and copies requested.

**and**

(2) **if** a public body chooses to post meeting notices on its website (as current law already allows), “it shall do so in a consistent and reasonably accessible location on the website.” **If it does not** post notices on the website, “it shall post and maintain a notice on the website stating where meeting notices are posted.”

It sounds a little complicated, but it’s not. No public body is required to post meeting notices or minutes on a website. (The original bill would have required posting on the website). If it has a website, the most it is required to do is to post a one-time notice (and leave it there) stating where meeting notices are posted and where minutes can be reviewed and copied. It **may** post notices, minutes, or both (or neither) on the website. As to either, if the public body does post them, it must post them in a consistent and accessible location.

And those towns that don’t have websites (there are seven, by our count) don’t even have to think about it!

**HB 460** states that if a member of a public body believes that any discussion in a meeting of the body violates the Right-to-Know Law, the member may object to the discussion. If the discussion continues despite the objection, the objecting member may request that the objection be recorded in the minutes, and may then continue to participate in the discussion without being subject to penalties under RSA 91-A. Upon such a request, the public body must record the member’s objection in the minutes of the meeting. If the objection is to a discussion in nonpublic session, the objection must also be recorded in the public minutes, but may include only the member’s name, a statement that he or she objected, and a reference to the provision of RSA 91-A:3, II, that was the basis for the nonpublic session.

Both bills have an effective date of January 1, 2018—assuming the Governor signs them.

### **In Other Action . . .**

The House and Senate took action on a number of other bills of municipal interest yesterday. Here are some of the more significant ones:

**Voter domicile.** The Senate concurred with the House amendment to **SB 3**, the highly controversial bill that imposes new requirements to establish domicile for those registering to vote. The Governor has said he will sign the bill.

**Electronic poll books.** The Senate also concurred with the House amendment to **SB 113**, which authorizes municipalities to conduct a trial program for electronic poll books to be used for voter check-in and registration.

*(Other Action— Continued from Page 3)*

**Voting on variances.** The House concurred with the Senate amendment to [HB 86](#), which requires a zoning board of adjustment to vote separately on each of the five criteria for a zoning variance, and states that the variance shall be granted “only if each of the 5 criteria receives at least 3 votes in the affirmative.”

**Delegation of EPA authority.** A committee of conference was formed on [SB 121](#), which, as passed by the House, establishes a commission (including three members to be appointed by NHMA) to study “[whether] the department of environmental services should request delegation of the National Pollutant Discharge Elimination System from the Environmental Protection Agency.” The bill as passed by the Senate would have limited the commission to studying “whether the department of environmental services should take over the MS-4 permit system from the Environmental Protection Agency.”

**Septic systems for ADUs.** A committee of conference was formed on [HB 258](#). The Senate amended this bill to require that prior to construction of an accessory dwelling unit, the owner must apply to DES for approval of a sewage disposal system. The approved system is not required to be installed unless “the existing system has not received construction approval and approval to operate under current rules or predecessor rules, or the system fails or otherwise needs to be repaired or replaced.”

 <p>Please register through our website: <a href="http://www.nhmunicipal.org">www.nhmunicipal.org</a> scroll down on the left and click View the Full Calendar</p> <p>For more information or questions, please call 1-800-852-3358, Ext. 3350.</p>	<b>UPCOMING 2017 EVENTS FOR NHMA MEMBERS</b>		
	<b>2017 Effective Approaches to Employee Discipline</b> Presented by Drummond Woodsum Law Firm (8:30 – 10:30 a.m.)		
	June 14 – Derry	June 16 – Lebanon	June 20 – Dover
	June 22 – Berlin	June 23 – Laconia	June 28 - Keene
	<b>NHMA Webinars from your own computer (12:00 – 1:00 p.m.)</b>		
	June 28 -- 2017 Legislative Wrap-up July 12 -- Drones: The Sky Has Its Limits August 16 -- Running Effective Public Meetings		
	September 8 9:00 a.m. – 4:00 p.m.	Right-to-Know Law Workshop Location to Be Determined	
	September 20 9:00 a.m. – 4:00 p.m.	Employment Law Update – Hot Trends and Developments	
	<b>2017 NHMA Budget and Finance Workshops</b>		
	September 12 – Manchester Area September 26 – Attitash Grand Summit Hotel, Bartlett		
October 27 9:00 a.m. – 1:00 p.m.	The Intersection of Land Use and Road Law: A New Hard Road to Travel Workshop		