

# LEGISLATIVE BULLETIN

## Hearing on Town Meeting Study Bill

Next **Tuesday, May 16, at 10:00 a.m., in LOB Room 308**, the House Election Law Committee will hear [SB 248](#), the bill that began its young life as an emergency bill to ratify actions taken at this year’s postponed town meetings, but was amended to provide for the establishment of a committee to study “the rescheduling of elections.” We have no idea what direction this is going to go, but we do expect to hear some interesting testimony offering differing perspectives on the issue. Any municipal officials who are interested in the matter are encouraged to attend and testify.

## Voter Domicile Bill Still Needs Work

The House Election Law Committee held a work session this week on [SB 3](#), the bill that would impose stricter requirements for a voter to prove his or her domicile in order to register. Committee members spent close to two hours going over a proposed amendment to the bill.

The amendment fixes some of the problems that NHMA had pointed out at the bill’s hearing. Most notably, it clarifies that there would be one registration form used most of the year and a different form used to register at the polls on any election day (not just the state election day) and within 30 days before any election day. It also reconciles the proof-of-domicile requirements with the registration form, so that an applicant is not registering with one form but subject to the requirements contained in the other form.

As the committee work session indicated, however, there are still numerous problems with the bill. Several committee members noted that the amendment still contains conflicting instructions to election officials in situations when an election-day registrant does not provide the required proof of domicile. The election-day registration form itself also still contains contradictions, and there are other inconsistencies, which NHMA will identify in a supplemental letter to the committee. More substantively, we also remain concerned about the new obligations the bill imposes on election officials (although these obligations have been lightened somewhat) and about the complex election-day registration form that it requires.

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The committee meets again next Tuesday, May 16, to vote on the bill. As everyone knows, and as comments from committee members have made clear, this is pretty much a partisan issue, which means that a slight majority of the committee is likely to support the bill and a slight minority is likely to oppose it. Even among the majority, however, there are several who recognize that the bill is far from perfect. Unless the committee is going to hold a marathon session on Tuesday, it is unlikely that all of the bill's problems can be addressed in that session; and, as we have mentioned repeatedly, there is no state election in 2017, so there is no need to rush the bill. We hope the majority who support the bill will recognize that it is not ready, and will vote to retain it.

### **Transportation Aid and SAG Funding**

As mentioned in [last week's Bulletin](#), two important municipal aid bills are currently in the House Finance Committee: **SB 38**, which provides an additional \$30 million in highway block grant funding and an additional 6.8 million in bridge aid, and **SB 57**, which appropriates state aid grant money for 19 municipal water and wastewater projects that were eligible for grants prior to July 1, 2013. Both bills had work sessions this week, and both have another session scheduled for next **Tuesday, May 16**. The work session for **SB 38** (along with some other bills) is in Division II at **11:00 a.m. in LOB Room 209**, and the session for **SB 57** is in Division I at **11:30 in LOB Room 212**.

### **Taxation of Lease Interests**

The Senate yesterday passed **HB 568**, relative to taxation of lease interests in public property. Under current law (RSA 72:23, I), when the state or a political subdivision leases real estate to another party, the lessee is required to pay taxes on the value of the property, and the lease or other agreement is supposed to contain language acknowledging that obligation. On at least one occasion, a lessee of municipally owned property tried to avoid paying taxes on the ground that the lease did not contain the necessary language, even though the lessee was well aware of its statutory obligation.

**HB 568** clarifies that “failure of the lease to contain the precise language of [the statute] shall not affect the occupant’s obligation to pay property taxes.” It also allows a municipality to adopt an exemption from the tax obligation for land leased exclusively for agriculture.

The bill needs to go back to the House because the Senate amended it to change the effective date; we are optimistic that that small change will not prevent the House from concurring and sending the bill to the Governor.

### **Retirement Contributions on Part-Time Employees**

Also yesterday, the Senate voted to re-refer **HB 561**, the bill that would require local government employers to pay the unfunded liability portion of the New Hampshire Retirement System (NHRS) employer rates on part-time employees when the employer converts a full-time position to part-time. Senators recognized, as we do, that hiring retired NHRS members back into part-time positions remains an issue, but agreed with our view that **HB 561** was not the answer, and that the issue should be deferred and dealt with by the statutory decennial commission that convenes July 1 of this year.

## HOUSE CALENDAR

TUESDAY, MAY 16, 2017

### ELECTION LAW, Room 308, LOB

10:00 a.m. SB 248, establishing a committee to study the rescheduling of elections.

WEDNESDAY, MAY 17, 2017

### WAYS AND MEANS, Room 202, LOB

10:00 a.m. SB 187, clarifying the application of the road toll.

## SENATE CALENDAR

There are no hearings on bills of municipal interest in the Senate next week.

## HOUSE FLOOR ACTION

There was no floor action in the House the week of May 8, 2017.

## SENATE FLOOR ACTION

Thursday, May 11, 2017

**HB 97-FN**, relative to the use of drones. **Inexpedient to Legislate.**

**HB 108**, relative to municipal record retention and conversion. **Passed with Amendment.**

**HB 171**, prohibiting the state or its political subdivisions from assisting a federal agency in the collection of electronic data without a warrant. **Inexpedient to Legislate.**

**HB 209**, relative to the adoption of Atlantic standard time. **Inexpedient to Legislate.**

**HB 323**, relative to standards for revaluations established by the assessing standards board. **Passed.**

**HB 380-FN**, relative to the oil discharge and disposal cleanup fund. **Passed.**

**HB 437**, relative to the authority of municipal law enforcement officers. **Passed with Amendment.**

**HB 460**, relative to minutes under the right-to-know law. **Passed with Amendment.**

**HB 524**, relative to the definition of “emergency” for purposes of a quorum under the right-to-know law. **Inexpedient to Legislate.**

(Senate Floor Action— Continued from Page 3)

**HB 561-FN**, relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement. **Re-referred.**

**HB 568-FN**, relative to the taxability of lease interests in public property. **Passed.**

**HB 614-FN**, relative to forfeiture of personal property. **Re-referred.**

	<b>UPCOMING EVENTS FOR NHMA MEMBERS</b>	
	<b>2017 Local Officials Workshops:</b> 9:00 a.m. – 4:00 p.m. (check-in and continental breakfast begin at 8:30 a.m.)	
	May 23, 2017	Stratham Municipal Center
	June 3, 2017	Concord NHMA Offices
	May 17, 2017 1:00 p.m. – 4:15 p.m.	Municipal Liability & Immunity – 2017 Update and Guidance (NHMLA/NHMA)
	May 24, 2017 12:00 – 1:00 p.m.	<b>Webinar</b> – References to Records Check: Best Practices for Background Investigations
	June 8, 2017 9:00 a.m. – 4:00 p.m.	Right-to-Know Law Workshop Concord, NH – NHMA Offices
October 27, 2017 9:00 a.m. – 1:00 p.m.	The Intersection of Land Use and Road Law: A New Hard Road to Travel Workshop	
Please register through our website: <a href="http://www.nhmunicipal.org">www.nhmunicipal.org</a> by scrolling down on the left under Calendar of Events For more information or questions, please call 1-800-852-3358, Ext. 3350.		