

# LEGISLATIVE BULLETIN

## Blizzard of Opposition Buries Town Election Bill

Bulletin 23—2018 Session

May 25, 2018

In a huge victory for local government, the committee of conference report on **SB 438**, which would have given the Secretary of State control over the postponement of town elections, failed in the House on Wednesday. The report was rejected by almost a 2-1 margin, going down on a [roll call vote](#) of 118-225. The House’s rejection of the report means the bill is dead. *Please be sure to thank your representatives who voted “Nay” on the question.*

Notably, the legislators who led the opposition on the floor were also town officials. Three town moderators spoke against the bill; a former moderator helped the cause with an illuminating question; and a selectman finished up with a strong parliamentary inquiry.

Of equal note were the comments from legislators about the input they had received from local officials. One representative asked one of the speakers, “Would you believe that though they almost never contact me, our town administrator contacted me to not support the committee of conference?” The response was “Yes, I would believe that because I was contacted by one of my town administrators who almost never contacts me.” That representative also mentioned that five of the seven moderators in his district had contacted him about the bill—all opposed, of course.

Meanwhile, supporters of the report argued for passage of the bill because “the firefighters’ union . . . want[s] this bill” and because the Secretary of State could be trusted more than “50 or 60 [moderators] who you do not know.” There was a less-than-compelling plea that “if you can live with this [bill] for six months, we can amend it.” Finally, there was a perplexing swipe at NHMA as having “a history of being unsuccessful in court issues involving communities, and the secretary of state for almost five years in regards to charter commissions.” We don’t know what that meant, but you can listen for yourself.

If you’re interested in watching and hearing the debate, you can do it [here](#). Beneath the video, click on “Agenda,” then click on SB 438, beginning at

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10:32:58 a.m. (If the link doesn't take you there, go to the [General Court website](#), click on "Streaming Media" on the left side of the page, then "House Past Session Media," then find May 2018 and click on May 23, then click on "House Session," and continue as above.)

The result was a stunning bipartisan victory that exceeded even NHMA's most optimistic predictions. Those voting against the bill included 138 Democrats (out of 156 voting), 86 Republicans (out of 186), and one Libertarian (out of one). The lopsided vote was all the more striking in light of the intense lobbying for the bill by the Secretary of State, the firefighters' union, and the House Republican leadership.

As the floor comments indicate, this was all due to the efforts of municipal officials, who are invincible when motivated. Many representatives who are not particular fans of NHMA voted against the bill, because they heard from their local officials—including local officials who "almost never contact" their legislators. (If you are one of those, we hope that seeing the fruit of your efforts may cause you to call your representatives a little more often.) ***Thank you all for your efforts!***

So . . . with this bill dead, what is the state of the law on postponing town elections? It hasn't changed. If there is a dispute about its interpretation, that is for a court to settle—and that has not happened yet.

But let's hope it doesn't come to that. One of Wednesday's speakers promised better weather for town meeting day in 2019, so there shouldn't be an issue. In the meantime, several legislators have already expressed an interest in legislation for next year to clarify the law's intent. We look forward to working on that legislation, and we hope it will be a more cooperative, straightforward effort than this year's was.

## **House Kills Registration of Out-of-State Semi-Trailers**

The Senate voted 12-11 on Wednesday to adopt the committee of conference report on [HB 1614](#), establishing a program for out-of-state residents and businesses to register semi-trailers in New Hampshire. Click here to see the Senate [roll call votes](#).

Fortunately, that was not the end. A majority of the House heeded the concerns expressed by the Department of Safety, the New Hampshire City and Town Clerks Association, and NHMA regarding problems with this bill, including the potential loss in motor vehicle registration fee revenues to municipalities, and rejected the committee of conference report by a roll call vote of 150-187. The list of representatives voting for and against **HB 1614** is available [here](#).

As we have reported in previous *Bulletins*, this is now the fourth year the legislature has rejected a semi-trailer registration program for out-of-state residents and businesses. We will not be surprised to see a similar bill filed next year. In the meantime, please thank your senators and representatives who voted to protect municipal registration fee revenue by voting "Nay" on **HB 1614**.

## Other Results

Apart from the two bills discussed above, all committee of conference reports on bills that NHMA was following were adopted by both houses. Of all the committee of conference reports (sixty in all), only one other failed—**SB 119**, relative to the length of seasonal docks, which the Senate killed. All of the bills that passed will now go through the enrollment process before proceeding to the Governor.

## Legislative Policy Process Update

The first phase of NHMA's 2019-20 legislative policy process has been completed. The three legislative policy committees, comprising over 50 local officials from 45 municipalities, spent several weeks reviewing existing legislative policies and new proposals. They have made their recommendations, which will be sent to all member municipalities in June. We will ask municipal governing bodies to review the recommendations, establish positions on them, and appoint a delegate to vote at the NHMA Legislative Policy Conference on September 14. Members will also have an opportunity to submit floor policy proposals by August 10.

## Vacation Activities

Although the legislative session is over, the fun doesn't have to end. Here are a few things you can do over the next few months to get your occasional legislative fix:

- Tune in to NHMA's Legislative Wrap-Up webinar on Wednesday, June 6, at noon (NHMA members only).
- Check the legislature's [website](#) to see whether the bills you're following have been signed into law. (Use the [2018 Chaptered Final Version](#) link or check the bill's docket.)
- Check the [Secretary of State's website](#) to see who has filed to run for the House and Senate in your district. (You have until June 15 to file in case you're thinking of running yourself—unless you're planning to run by filing nomination papers, which is a whole other story.)
- Watch for our *Final Legislative Bulletin* in late July or early August.
- Follow the activities of the commission to study utility property valuation under [HB 324](#), assuming it is signed into law.
- Review our legislative policy proposals when they are sent out in a few weeks, and plan to participate in our Legislative Policy Conference in September (see article above).
- VOTE wisely for your representatives and senators in the state primary on September 11 and in the state general election on November 6.
- Finally, thank those representatives and senators who pay attention to municipal issues and regularly vote to support local government. You know who they are!

## The Rest of the Year

The legislature itself will be relatively quiet for a few months, but not exactly dormant. Here is a rough schedule of legislative events and deadlines for the next six months:

Date(s)	Event/Deadline
Now until late August	Vacation! (The House calendar states that there will be “no legislative activity between June 11 and August 27, unless special circumstances arise”—and except for “ongoing statutory committees,” such as the commission to study utility property valuation under HB 324.)
Late August through November	Study committees/commissions will meet. Standing committees will meet (in theory, at least) to consider interim study bills. (See separate article below.)
September 10 to September 21	First period for House members to file legislative service requests (LSRs) for bills for the 2019 session.
October 26	Deadline for committees to file interim study reports.
November 1	Deadline for most study committees and commissions to report findings and recommendations for legislation.
November 13 to December 3	Second period for House members to file LSRs for 2019 session.
???	Period for Senate members to file LSRs for 2019 session. We have not seen the Senate deadline yet; it is usually a little later than the House period.
Mid- to late December	First NHMA Legislative Bulletin!

As you can see, there definitely is a break in the action, but there will be plenty going on beginning in September; and if you have ideas for legislation for next year, it is not too early to get them to your legislators. And of course, it is *always* a good time to meet with your legislative delegation and discuss the issues that are most important to you. Your legislators may have a little more time on their hands over the summer—when they are not campaigning—so consider inviting them to your selectmen/council/aldermen meetings to thank them for supporting their local government this year (if they did!) and to discuss your hopes and fears for next year.

### Interim Study

Dozens of bills (one less than a gross, if we’ve counted correctly) were referred for interim study this year. That’s a lot of studying—or maybe not.

Interim study is often referred to as a “polite death,” and in fact, it does result in the bill’s eventual death. When a bill is referred for interim study (which can happen only in the second year of a legislative term), the responsible committee is supposed to study the bill between sessions and issue a report about whether it is recommended for future legislation. In reality, the study is often perfunctory, although in some cases it is performed diligently.

(Interim Study— Continued from Page 4)

In any case, the committee’s only options are to recommend or not recommend the matter for future legislation. The bill itself dies. Further, the committee recommendation has no binding effect: even if legislation is recommended, nothing happens unless someone takes the initiative to file a bill the following year. And if legislation is not recommended, that does not prevent someone from filing a bill—it could even be an identical bill—the following year.

Interim study is different from retaining or re-referring a bill, which can happen only in the first year of a legislative term. When a bill is retained or re-referred, it remains alive into the second year, and the committee makes a recommendation at the beginning of the second year, which is then acted upon by the full House or Senate. It is possible that a bill could be retained in the first year, then referred for interim study in the second year, which is a bit like spending two years in purgatory.

### Until Then . . .

This will be our last *Legislative Bulletin* until December, other than the *Final Legislative Bulletin*, which will be published in late July or early August and will summarize all of the legislation that was signed into law this year. In the meantime, you can follow the activities of the legislature in the House and Senate calendars (which are published biweekly during the summer); and please call the NHMA staff if you have any questions.



<u>2018</u>	<u>Upcoming NHMA Workshops and Webinars</u>
Jun. 1	Workshop: A Guide to Effective Enforcement: Investigating and Enforcing Code and Land Use Violations
Jun. 2	2018 Local Officials Workshop—NHMA Offices, Concord
Jun. 6	NHMA Webinar—Legislative Wrap Up
Jun. 8	2018 Right-to-Know Workshop—Rochester Frisbee Memorial Center
Sep. 14	2019-2020 Legislative Policy Conference—NHMA Offices, Concord
Sep.	2018 Budget & Finance Workshops – Online registration opens in August
Sep. - Oct.	2018 Municipal Law Lectures – Online registration opens in August

Please register online through our website: [www.nhmunicipal.org](http://www.nhmunicipal.org)  
(Scroll down on left to Calendar of Events and click View the Full Calendar)

