

# LEGISLATIVE BULLETIN

## The Eleventh Hour

The (re)scheduled end of the legislative session is two business days away. The Senate is meeting in session on Monday, and the House on Tuesday. Unless there are any last-minute surprises, there will be no more legislative activity after Tuesday.

As we have explained in recent Legislative Bulletins, because all of the House’s deadlines have passed, all it can do at this point is to concur or not concur with Senate amendments on House bills. The House will be considering about two dozen bills that the Senate amended last week, plus (probably) several more that the Senate is expected to pass with amendments on Monday.

For each bill, if the House concurs with the Senate amendment, the bill will pass and will go to the governor for signature or veto; if the House does not concur, the bill will die. There are no other options; the House cannot amend any of the bills, and there will be no committees of conference.

## Absentee Ballots and Processing Thereof

We mentioned in [last week's Bulletin](#) that one of the bills headed back to the House is **HB 1672**, which (1) authorizes any voter to vote by absentee ballot without requiring an excuse; and (2) allows for early processing of absentee ballots. The Senate passed that bill on a 14-10 vote, a partisan split that portends a likely veto by the governor.

A second effort has produced a bill that may have a better chance. Late yesterday afternoon, the Senate Election Law & Municipal Affairs Committee voted 4-1 to recommend passage of **HB 1266** with an amendment that (1) allows a voter to request an absentee ballot based on concerns about Covid-19 and (2) allows for early “partial” processing of absentee ballots. The key difference from **HB 1672** is that these provisions would apply only to the 2020 state primary and general election. The provisions in **HB 1672** would be permanent changes to the election laws.

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It is unclear what the final version of **HB 1266** will look like. Although the committee approved [an amendment](#), members agreed to continue to work on it over the weekend and produce a floor amendment for Monday’s Senate session.

While the version tentatively approved by the committee is an improvement on the current law, we have a few concerns. Our principal concern is that although it allows for “partial processing” of absentee ballots on the Thursday, Friday, or Saturday before an election, there is no definition of “partial processing,” so election officials will be unsure what they are permitted to do during the pre-election day session. The deputy secretary of state told the committee a definition is not necessary because that office can train election officials on best practices, but we believe a clear definition would be preferable.

We will see what happens on Monday.

### PFAS Funding

As we mentioned last week, the House is scheduled to consider [HB 1264](#), which was described by one senator during debate as “all of us coming together to support the science coming out of the Department of Environmental Services (DES).” Importantly, **HB 1264** contains the language of [SB 496](#). **SB 496** was an **NHMA policy bill** that would provide state financial assistance toward the costs of meeting water and wastewater quality standards associated with PFAS, and would extend existing municipal immunity for damage claims based on PFAS contamination.

Under current law, municipalities would pay 100% of the costs of complying with the standards adopted through rulemaking, barring a final court ruling compelling the state to pay for compliance.

**HB 1264** authorizes the state treasurer to issue up to \$50 million in bonds against the credit of the state for the sole purpose of providing low-interest loans to water and wastewater systems for PFAS remediation projects. Those loans would enable municipalities to begin building the infrastructure necessary to provide clean water to their citizens without waiting to learn whether the state will prevail against the PFAS manufacturers. In addition, municipalities that choose to take these loans could see their total costs for construction lowered to 50% of loan principal (for single municipality systems) or 40% of loan principal (for regional projects), a significant savings over current law.

We are hopeful that the House will concur on this omnibus bill, but we urge our members to contact their own representatives and tell them to vote to concur on **HB 1264**.

2020 NHMA UPCOMING MEMBER EVENTS	
July 2	Weekly COVID-19 Call with NHMA (1:00 p.m.)
July 8	<b>Webinar:</b> Safer at Home 2.0 Municipal Guidance (12:00 – 1:00)
July 9	Weekly COVID-19 Call with NHMA (1:00 p.m.)
July 15	<b>Webinar:</b> The Right-to-Know Law and Governmental Records (12:00 – 1:00)
Please visit <a href="http://www.nhmunicipal.org">www.nhmunicipal.org</a> for the most up-to-date information regarding our upcoming training opportunities and events.	
For more information, please call NHMA’s Workshop registration line: (603) 230-3350.	