

LEGISLATIVE BULLETIN

A Busy Week Ahead

Yesterday, the House and Senate decided which bills they would like to go to committees of conference. (You can find a list of what happened yesterday below.) Each committee of conference is comprised of three senators and four house members, and each bill gets its own committee. The members of the committee will, in theory, hash out the differences between the bill as passed by the Senate and the bill as passed by the House to come up with a recommended compromise. A unanimous vote of both the House and Senate conferees, voting separately, is necessary for an agreed upon report to be sent to the House and Senate.

Notably, a committee of conference may not change the title of a bill, nor can it add amendments that are not germane to the subject matter of the bill or contain subject matter that has been indefinitely postponed. A non-germane amendment is defined in House Rule 50(h) as one in which the subject matter is not contained in either the House or Senate version of the bill. With the exception of omnibus bills and those bills that combine two very different subjects, it can be expected that most bills sent to committee of conference will likely end up with some modifications. These modified bills will each pass both bodies one final time before being sent to the governor.

In the week ahead, committees of conference will meet and decide on their recommendations. Already, the [digital calendar](#) is filling with dates and times of meetings. (The first are occurring today.) Committees of conference will not take public testimony, but the sponsor of a bill that is in a committee of conference shall, upon request, be provided an opportunity to be heard. And, of course, it is still possible for local officials to contact the members of a committee with concerns about a particular bill.

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Inside this issue:

Privacy Act Bill	2
Gun Bill	3
Property Tax Relief	3
Committees of Conference	3
NHMA Events	5

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Thursday, May 19 at 4:00 p.m. is the last day for committees of conference to sign off on committee of conference reports. However, since the House calendar publication deadline is 3:00 p.m. on Wednesdays, it is expected that many committees will try to meet and finish their work prior to the close of business on Wednesday.

Both the House and Senate will meet on Thursday, May 26 to vote on committee of conference recommendations.

Personal Privacy Protection Act Promotes Secrecy in Government

Yesterday, the Senate acceded to the House's request for a committee of conference on **SB 302**, which would establish "The Personal Privacy Protection Act." As we wrote about in [Bulletin #16](#), this bill raises major concerns for municipalities, and for the ability of local governments to continue to work with nonprofit organizations. It has been opposed by the New Hampshire Department of Justice, Charitable Trusts Unit; the New Hampshire Center for Nonprofits; and NHMA.

SB 302 would prohibit the release of the name of "any volunteer" of a 501(c) organization. Section 501(c) of the Internal Revenue Code includes entities like charities, credit unions, group legal services plans, cemeteries, labor unions, and social and recreational clubs.

The term "volunteer" under RSA 508:17 is "an individual performing services for a nonprofit organization or government entity who does not receive compensation, other than reimbursement for expenses actually incurred for such services." Because directors and officers of a 501(c) entity serve without compensation under RSA 508:26, they are volunteers. It appears, therefore, that **SB 302** would prohibit the release of names of directors and officers of nonprofits organizations, meaning the attorney general, the secretary of state, and other state agencies would be required to redact the names of all officers and directors of nonprofit organizations. And because the bill applies to all "public agencies and public bodies," local government would also be prohibited from publicly releasing this information, with both civil and criminal penalties for noncompliance.

This level of secrecy could be deeply problematic for the many cities and towns that work with or make appropriations to nonprofit organizations. New Hampshire cities and towns rely on the nonprofit sector to provide essential services and supplement governmental services in our communities. Local governments are also governed the Right-to-Know Law, which requires transparency in governmental activities, and it is difficult to square their transparency obligations with these new secrecy requirements. We are deeply concerned how the prohibition on releasing certain information may compromise the ability of local governments to partner with nonprofits and maintain transparency.

We think, however, that it may be possible to amend the bill to address our concerns, assuming the intent of the bill is to keep the name of a "donor" or a "supporter" of an organization confidential. An amendment could easily accomplish that and prevent the more serious consequences from the bill. The bill was amended in the House, but the amendment was minor and did not address the significant problems and threat to basic transparency that the NH Center for Nonprofits, Charitable Trust Unit, and NHMA have raised in opposition. We hope the members of the committee of conference will see that this bill is detrimental to New Hampshire, and we encourage local officials to contact members of the committee to either fix these concerns or recommend that the bill die.

2021 Gun Bill Still Has a Shot

[HB 307](#), the very troubling bill that would punish local officials for innocently adopting an ordinance that restricts the possession of guns on town property, is headed to a committee of conference. As local officials may recall, this is a 2021 House bill that was re-referred in the Senate, and then passed the Senate with an amendment in January of this year. As we stated in [Bulletin #2](#), the Senate amendment represented a significant improvement over the House version of the bill, but it is still a bad bill. We are disappointed that this bill is still alive and so close to becoming law.

We are hopeful that the committee of conference will see that the idea of punishing local officials for adopting an ordinance that exceeds their authority, rather than relying on the standard remedy of having a court declare the ordinance unenforceable, demonstrates a disturbing hostility toward local government and recommend that the bill die.

Property Tax Relief Bills Head to the Committee of Conference

As we wrote about previously, [SB 401](#) would provide significant, one-time property tax relief by appropriating \$36 million for the repair and maintenance of municipally-owned bridges; \$30 million in additional municipal highway block grants; and \$1 million toward the body worn and dashboard camera fund using state general fund surplus generated in fiscal year 2022. Last week, the House passed the bill with an unrelated amendment that would specify the duration of unemployment benefits based on the state's average unemployment rate under RSA 282-A:25. Yesterday, the Senate voted to non-concur and request a committee of conference, and the House acceded. The committee of conference will hold its first meeting on **May 17 at 12:15 p.m. in Senate Room 100.**

[HB 1221](#), another one-time property tax relief bill, is also headed to committee of conference. As amended by the Senate, this bill would provide a *one-time* payment by the state equal to 7.5 percent (estimated \$27.7 million) of the retirement system employer contribution costs for Group I teachers and Group II police and firefighters in fiscal year 2023. Although NHMA advocates for sustainable, ongoing state aid and revenue sharing to municipalities, we support passage of both [SB 401](#) and [HB 1221](#).

Yesterday's Action on Bills of Municipal Interest

Bill Number	Title	Action
SB 242	relative to the disqualification of certain persons from performing the duties of an election official.	Awaiting Action by Governor
SB 261-FN	relative to net metering participation.	Awaiting Action by Governor
SB 262	relative to customer generators of electric energy.	Awaiting Action by Governor
SB 267-FN-A	establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food.	Awaiting Action by Governor
SB 272	establishing a committee to study the oversight and operation of the public deposit investment pool.	Awaiting Action by Governor
SB 275	relative to the opioid abatement trust fund.	Awaiting Action by Governor
SB 357-FN	relative to mental health training for first responders.	Awaiting Action by Governor

<u>SB 376-FN</u>	(New Title) relative to creating a board to review police incidents involving citizens affected by mental health issues.	Awaiting Action by Governor
<u>SB 383-FN</u>	relative to land surveying services.	Awaiting Action by Governor
<u>SB 395</u>	(New Title) establishing the wireless development initiative and the wireless deployment grant fund.	Awaiting Action by Governor
<u>SB 398</u>	(New Title) relative to the advisory committee to study the state building and fire codes.	Awaiting Action by Governor
<u>SB 402-FN</u>	(New Title) relative to financial assistance for municipalities affected by disasters.	Awaiting Action by Governor
<u>SB 405-FN</u>	(New Title) relative to fines and penalties for election law violations and relative to consequences resulting from election official misconduct.	Awaiting Action by Governor
<u>SB 409</u>	relative to disaster relief loans.	Awaiting Action by Governor
<u>SB 418-FN</u>	relative to verification of voter affidavits.	Awaiting Action by Governor
<u>SB 422-FN</u>	establishing an adult dental benefit under the state Medicaid program.	Awaiting Action by Governor
<u>SB 443-FN</u>	relative to municipal authority regarding the state building code.	Awaiting Action by Governor
<u>HB 1109</u>	(Second New Title) relative to the authority of a city or town to limit the use or operation of an OHRV on certain ways.	Committee of Conference
<u>HB 1221</u>	(Third New Title) relative to the rate of the business profits tax, and relative to payment by the state to political subdivisions of an amount equal to a portion of retirement system contributions of political subdivision employers.	Committee of Conference
<u>HB 1293</u>	(New Title) relative to the design of sewage or waste disposal systems for a person's own domicile, and relative to water well and sewage or waste disposal systems.	Committee of Conference
<u>HB 1547-FN</u>	(New Title) relative to per fluorinated chemical remediation in soil and procedures for certain hazardous waste generators.	Committee of Conference
<u>HB 1567-FN</u>	(New Title) relative to consequences resulting from election official misconduct.	Committee of Conference
<u>HB 1661</u>	(Sixth New Title) relative to regional career technical education agreements, an appropriation for preliminary work for a new legislative parking garage, health and human services, establishing an extraordinary need grant for schools, the release of a defendant pending trial, training and procedures for zoning and planning boards, and financial investments and incentives for affordable housing development.	Committee of Conference
<u>HB 1662</u>	(Second New Title) relative to the privacy obligations of the department of health and human services, an appropriation for housing expenses for homeless people and parameters thereof, electronic wage payments, and requiring online marketplaces to disclose certain information to consumers.	Committee of Conference

HB 292	relative to the absentee ballot application process.	Committee of Conference
HB 307	relative to the state preemption of the regulation of firearms and ammunition.	Committee of Conference
HB 355	relative to Keno.	Committee of Conference
SB 200	(New Title) apportioning congressional districts.	Committee of Conference
SB 301-FN-L	(New Title) establishing the office of the right to know ombudsman and making an appropriation therefor.	Committee of Conference
SB 302-FN	establishing the personal privacy protection act.	Committee of Conference
SB 366-FN	requiring an audit of ballots cast in the 2022 primary and general election.	Committee of Conference
SB 401-FN	(New Title) making appropriations to the department of transportation for local highway aid and to the body-worn and dashboard camera fund, permitting the department of transportation to operate dash cameras in fleet vehicles, and relative to the duration of unemployment benefits.	Committee of Conference
SB 445-FN	(New Title) relative to the broadband matching grant initiative.	Committee of Conference
HB 1432	(New Title) prohibiting the use of state funds for a certain passenger rail project.	Killed
SB 227-FN	(New Title) relative to death benefits of police officers to include corrections officers, probation-parole officers, and correctional line personnel, and including death from suicide, and relative to forfeiture of personal property.	Killed
SB 329	(New Title) establishing a commission to study barriers to specific housing development in New Hampshire and establishing a procedure for overriding a local tax cap.	Killed
SB 407	(New Title) relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor and relative to exemptions from vaccine mandates.	Killed
SB 438-FN-L	(New Title) relative to state procurement policies intended to promote the use of American materials and certain cosmetology licensure requirements.	Killed

2022 NHMA UPCOMING MEMBER EVENTS

May 17	2022 Local Officials Workshop (Virtual Only) – 9:00 – 4:00
May 18	Webinar: Investigations 101 – 12:00 – 1:00
June 1	Webinar: 2022 Legislative Wrap Up – 12:00 – 1:00
Please visit www.nhmunicipal.org for the most up-to-date information regarding our upcoming events. Click on the Events and Training tab to view the calendar.	
For more information, please call NHMA’s Workshop registration line: (603) 230-3350.	