

Amendment to HB 1066-FN

1 Amend the bill by replacing sections 3-4 with the following:

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3 3 Towns, Cities, Village Districts, and Unincorporated Places; Municipal Budget Law; Budget
4 Preparation. Amend RSA 32:5, I to read as follows:

5 I. The governing body, or the budget committee if there is one, shall hold at least one public
6 hearing on each budget, not later than 25 days before each annual or special meeting, public notice
7 of which shall be given at least 7 days in advance, and after the conclusion of public testimony shall
8 finalize the budget to be submitted to the legislative body. If a town or district uses sub-accounts to
9 budget or track financial data it shall make that data available for public inspection at the public
10 hearing. One or more supplemental public hearings may be held at any time before the annual or
11 special meeting, subject to the 7-day notice requirement. If the first hearing or any supplemental
12 hearing is recessed to a later date or time, additional notice shall not be required for a supplemental
13 session if the date, time, and place of the supplemental session are made known at the original
14 hearing. Public hearings on bonds and notes in excess of \$100,000 shall be held in accordance with
15 RSA 33:8-a, I, **and public hearings on leases in excess of \$500,000 shall be held in**
16 **accordance to the procedure in RSA 33:7-f, II.** Days shall be counted in accordance with RSA
17 21:35.

18 4 New Paragraph; Towns, Cities, Village Districts, and Unincorporated Places; Municipal
19 Budget Law; Lapse of Appropriations. Amend RSA 32:7 by inserting after paragraph III the
20 following new paragraph:

21 III-a. The amount to be raised, in whole or in part, through a lease pursuant to RSA 33:7-f,
22 shall not lapse until the fulfillment of the purpose or completion of the project being financed by the
23 lease, except that energy performance contracts under RSA 21-I:19-d shall lapse if the funding
24 authority for municipality fails to appropriate sufficient funds pursuant to RSA 21-I:19-d, II(e); or

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26 Amend the bill by replacing sections 7-8 with the following:

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28 7 Towns, Cities, Village Districts, and Unincorporated Places; Municipal Finance Act; Lease
29 Agreements of Equipment. Amend RSA 33:7-e to read as follows:

30 33:7-e Lease Agreements of Equipment. The governing body may enter into leases of equipment
31 as required by the municipality. Appropriations to fund lease agreements with nonappropriation
32 clauses may be approved by a simple majority vote of the legislative body. Lease agreements with

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1 nonappropriation clauses shall not be treated as debt under RSA 33:4-a. [~~For the purposes of this~~
2 ~~section, "lease" shall include lease purchase, sale and lease back, installment sale, or other similar~~
3 ~~agreement to acquire use or ownership of such equipment as is from time to time required by the~~
4 ~~municipality. For purposes of this section and RSA 382-A, building or facility improvements related~~
5 ~~to the installation, purpose, or operation of such equipment shall be deemed to constitute equipment~~
6 ~~and the costs of such improvements may be financed through lease agreements under this section.]~~

7 ***For purposes of this section and RSA 382-A, equipment as well as any building or facility***
8 ***improvements that become fixtures, shall not be financed through lease agreements under***
9 ***this section. Any lease agreement under this section exceeding \$500,000 shall require a***
10 ***public hearing pursuant to RSA 33:7-f, II.***

11 8 New Section; General Lease Agreements. Amend RSA 33 by inserting after section 7-e the
12 following new section:

13 33:7-f General Lease Agreements. The governing body may enter into leases of real property,
14 fixtures, equipment, or any combination of such, as required by the municipality under this section,
15 if the lease does not qualify under RSA 33:7-e. Lease agreements under this section shall be
16 considered loans, which shall comply with RSA 33:2 and treated as debt under RSA 33:4-a.
17 Appropriations to finance lease agreements under this section shall be approved via the following
18 procedure:

19 I. Leases up to \$500,000 may be approved by a simple majority vote of the legislative body.

20 II. Leases in excess of \$500,000 shall require at least one public hearing concerning the
21 proposed lease before the governing body of the municipality. Said hearing shall be held at least 15
22 days, but not more than 60 days, prior to the meeting, or adjourned session thereof, at which the
23 lease shall be voted upon. Notice of the time, place, and subject of such hearing shall be published in
24 a newspaper of general circulation in the municipality at least 7 days before it is held. Whenever
25 possible, the governing body shall determine the form of the warrant article after the public hearing.
26 All articles appearing in the warrant which propose a lease in excess of \$500,000 shall appear in
27 consecutive numerical order and shall be acted upon prior to other business, except warrant articles
28 proposing bonds or notes, the election of officers, action on the adoption, revision, or amendment of a
29 municipal charter, zoning matters, or other matters as determined by the voters at the meeting.
30 Polls shall remain open and ballots accepted by the moderator on each such article for a period not
31 less than one hour following the completion of discussion on each respective article. The lease shall
32 only be authorized if at least a 3/5 majority of those voting on the warrant article vote "yes." For a
33 municipality that has adopted an optional form of legislative body under RSA 49-D:3, I-a or RSA 49-
34 D:3, II-a, the lease shall be authorized by a "yes" vote of at least 2/3 or 3/5 as adopted and provided
35 for in the charter. If such charter does not specify which majority vote is required, then the required
36 majority vote shall be 3/5. Only votes in the affirmative or negative shall be included in the

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1 calculation of any majority. A separate ballot box shall be provided for each lease article to be voted
2 upon pursuant to this section.

3 III. This section shall not apply to cities.

4 IV. Upon favorable approval on the motion to reconsider the vote on a lease under
5 paragraph II, actual reconsideration of the lease shall not take place until the expiration of at least 7
6 days from the date on which the original vote on the motion was taken. Notice of time and place
7 where such reconsideration shall take place shall be published in a newspaper of general circulation
8 in the municipality at least 2 days before the reconsideration vote.