

Amendment to HB 641-LOCAL

1 Amend RSA 353:11 as inserted by section 1 of the bill by replacing it with the following:

2
3 353:11 Municipal Occupancy Fee.

4 I. The legislative body of a municipality may vote to collect a municipal fee on each
5 occupancy, as defined in RSA 78-A:3, VI, for the purpose of establishing a municipal capital
6 improvement or tourism support fund, which is intended to increase or stabilize local hotel and
7 other room rental occupancy.

8 II. As authorized by the legislative body vote, the fee may be collected as a daily charge of
9 up to \$2 per occupancy per 24-hour period, or as a percentage of the price of the occupancy,
10 provided that the rate shall not exceed \$2 per occupancy per 24-hour period. If the average daily
11 price of the occupancy does not exceed \$40, the occupancy fee shall not be collected. The vote by the
12 legislative body shall specify the number of consecutive days to which the occupancy fee applies,
13 provided that the maximum number of consecutive days for which the fee may be collected for each
14 occupancy shall not exceed 184. Enforcement powers for nonpayment shall be the same as those
15 provided under RSA 31:39-c, RSA 31:39-d, and RSA 47:17-b, relative to enforcement of ordinances.

16 III. The revenues collected shall be deposited in a capital reserve fund, tourism support
17 fund, revolving fund, or other special revenue fund as may be authorized. Such funds shall be used
18 to augment funding for the cost of municipal services associated with the increase in tourism and
19 transient traffic.

20 IV. Any funds received shall not be deemed part of the general fund accumulated surplus,
21 nor shall any surplus be expended for any purpose or transferred to any appropriation until such
22 time as the town select board or legislative body of the city shall have voted to appropriate a specific
23 amount from the fund for a specific purpose.

24 V. Any town or city may adopt the provisions of this section in the following manner:

25 (a) In a town, the question shall be placed on the warrant of a special or annual town
26 meeting under the procedures set out in RSA 39:3, and shall be voted on by ballot. In a city, the
27 legislative body shall vote on the question as provided in its charter.

28 (b) The selectmen or city council shall hold a public hearing on the question at least 15
29 days but not more than 30 days before the question is to be voted on. Notice of the hearing shall be
30 posted in at least 2 public places in the municipality and published in a newspaper of general
31 circulation at least 7 days before the hearing.

32 (c) The town or city shall specify in the wording of the question:

Amendment to HB 641-LOCAL
- Page 2 -

1 (1) The name of the fund and permitted uses of the fund; and

2 (2) The nature, amount, and manner of collection of the occupancy fee, including
3 the number of consecutive days to which the occupancy fee shall apply.

4 (d) If a majority of those voting on the question vote "Yes," the municipal occupancy fee
5 shall apply within the town or city on the date set by the selectmen or the city council.

6 (e) A town or city may consider rescinding its action in the manner described in
7 subparagraphs (a)-(c). The wording of the question shall be the same as that was adopted by the
8 town or city, except the word "adopt" shall be changed to "rescind." If a majority of those voting on
9 the question vote "Yes," following the action taken to rescind, the municipal occupancy fee shall not
10 apply within the town or city, and any moneys already in the fund shall be used for the purposes
11 already voted.