

Amendment to SB 635-FN-A

1 Amend RSA 12-P:2, IX as inserted by section 1 of the bill by replacing it with the following:

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3 IX. "Excess revenues" means those revenues in excess of the funds identified in the audit
4 performed pursuant to RSA 12-P:19 required (a) to pay the costs of operating, maintaining, and
5 repairing all property and projects of the authority, (b) to pay the costs of administering and
6 operating the authority, including, but not limited to, all wages, salaries, benefits, and other
7 expenses authorized by the board or the executive director, (c) to pay the principal of, and premium,
8 if any, and the interest on the outstanding bonds of the state issued to support authority projects or
9 operations, as the same become due and payable, (d) to create and maintain a capital improvement
10 fund for development of authority property and authority projects to be established pursuant to RSA
11 12-P:18, and (e) to pay any federal or state taxes owed by the authority related to its ownership or
12 operation of authority property or authority projects.

13

14 Amend RSA 12-P:8 as inserted by section 1 of the bill by replacing it with the following:

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16 12-P:8 Incorporation; Powers. Notwithstanding any other provision of law, the authority shall
17 have all of the powers necessary or convenient to carry out the purposes and provisions of this
18 chapter, including the power:

19 I. To employ or retain as independent contractors architects, engineers, attorneys,
20 accountants, and such other advisors and employees, consultants, and agents as may be necessary in
21 its judgment without regard to any personnel or civil service law or personnel or civil service rule of
22 the state, to prescribe their duties and qualifications, and to fix and pay their compensation, if any.

23 II. To appoint qualified individuals to serve as unpaid volunteers or advisors under such
24 terms and conditions as it may deem necessary. Such volunteers or advisors may be reimbursed for
25 such incidental expenses determined by the board to be necessary and incurred while performing the
26 business of the authority.

27 III. To purchase, receive, take by grant, gift, devise, bequest, or otherwise, lease, or
28 otherwise acquire, own, hold, improve, employ, use, and otherwise deal in and with property or any
29 interest therein, whether tangible or intangible, for its purpose.

30 IV. To sell, convey, lease, rent, exchange, transfer, abandon, or otherwise dispose of, or
31 mortgage, pledge, or create a security interest in, all or any of the property, whether tangible or
32 intangible, at the lakes region facility or other property of the authority or any interest therein on

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1 such terms and conditions as the authority deems to be consistent with its duties under RSA 12-P:7
2 and without regard to any other provision of law affecting or restricting the sale, conveyance, lease,
3 rental, exchange, transfer, abandonment or other disposal of state property, except that no real
4 property may be made subject to a license, lease, or other rental agreement subject to a term beyond
5 June 30, 2026, without the prior approval of the governor and the executive council.

6 V. To apply for and accept gifts, loans, grants, property, funds, money, materials, labor,
7 supplies, or services from the United States of America or its agencies or departments, the state or
8 any state agency or any political subdivision of the state, or any other person, to carry out the terms
9 and provisions of, or make agreements with respect to, any such gifts, loans, or grants, and to do any
10 and all things necessary, useful, desirable, or convenient in connection with procuring, accepting, or
11 disposing of such gifts, loans, grants, property, funds, money, materials, labor, supplies, or services.

12 VI. To make and execute agreements, contracts, and other instruments necessary or
13 convenient in the exercise of the powers and fulfillment of the duties of the authority under this
14 chapter, including contracts with any person, firm, corporation, municipality, state agency,
15 governmental unit, or other entity, foreign or domestic on such terms and conditions as the authority
16 deems appropriate within the limits of its available funds.

17 VII. To invest and reinvest its funds, and take and hold property as security for the payment
18 of funds so invested.

19 VIII. To procure insurance against any loss in connection with its property or projects in
20 such amount or amounts and from such insurers, including the federal government, as it may deem
21 necessary or desirable, and to pay any premiums therefor. Nothing in this paragraph shall be
22 construed as a waiver of the sovereign immunity of the state except as authorized under RSA 491:8.

23 IX. To enter into and perform contracts and agreements, whether or not they may be
24 deemed to constitute indebtedness under applicable law, for the joint and separate planning,
25 financing, construction, purchase, operation, maintenance, use, sharing costs of, ownership,
26 mortgaging, leasing, sale, disposal of, or other participation in facilities, products, or services of any
27 person who engages in business on property owned or controlled by the authority.

28 X. To make any inquiry, investigation, survey, feasibility study, or other study which the
29 authority may deem necessary to enable it to carry out effectively the provisions of this chapter.

30 XI. To apply to the appropriate agencies and officials of the federal government and the
31 state for applicable licenses, permits, or approvals of its plans or projects as it may deem necessary
32 or advisable, and to accept such licenses, permits, or approvals as may be tendered to it by such
33 agencies or officials, upon such terms and conditions as it may deem appropriate.

34 XII. To make bylaws and establish committees for the management and regulation of its
35 affairs as it may deem necessary to make rules pursuant to its own procedures for the use of its
36 projects and property and to establish and collect rentals, fees, and all other charges for the use of

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1 projects under the jurisdiction of the authority and for services or commodities sold, furnished, or
2 supplied by the authority.

3 XIII. To design, construct, maintain, operate, improve, and reconstruct such projects as shall
4 be consistent with the purposes and provisions of this chapter and also to contract for the
5 construction, operation, or maintenance of any parts thereof, or for services to be performed thereon,
6 and to sell, convey, lease, rent, exchange, transfer, abandon, or otherwise dispose of, or mortgage,
7 pledge, or create a security interest in such parts thereof and grant concessions thereon, all on such
8 terms and conditions as the authority may determine.

9 XIV. To take such other action as it may deem necessary and advisable in the furtherance of
10 the purposes of this chapter.

11
12 Amend RSA 12-P:13 through RSA 12-P:21 as inserted by section 1 of the bill by replacing them with
13 the following:

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15 12-P:13 Distribution of Excess Revenues.

16 I. To the extent consistent with grants, loans, or other obligations incurred by the authority,
17 revenues of the authority in excess of projected operating costs and capital requirements for each
18 state biennial period may be distributed by the board, in its sole discretion, within 30 days of the end
19 of the authority's fiscal year to the state treasurer for deposit in the general fund.

20 II. Before any excess revenues are distributed pursuant to paragraph I, the authority shall
21 reimburse in full on a pro rata basis the state and the city of Laconia for any funds provided to the
22 authority since July 1, 2020.

23 III. The annual report prepared by the authority pursuant to RSA 12-P:19 shall include a
24 detailed explanation of any distribution of excess revenues made pursuant to this section or of any
25 decision by the board not to make such distribution.

26 12-P:14 Liability of State and Limited Municipal Liability. All obligations and liabilities
27 incurred by the authority related to its property or projects, whether arising from contracts or
28 otherwise, shall be subject to appropriations by the state. They shall not be deemed a debt of or
29 obligation of any political subdivision thereof.

30 12-P:15 Operating Budget. The authority shall comply with the requirements of RSA 9:1
31 through 9:9, relative to the budget.

32 12-P:16 Matching Grants. The state treasurer is authorized to borrow upon the credit of the
33 state a sum not exceeding \$1,000,000 to make a loan or loans to the authority to be used for the
34 purposes of matching funds for United States Economic Development Administration grants and
35 other available grants. General obligation bonds and notes shall be issued in the name of and on
36 behalf of the state in accordance with the provisions of RSA 6-A. The terms and conditions of any
37 such loan shall be determined by the state treasurer and the governor and council may impose such

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1 other conditions as they may deem appropriate. Payments of principal and interest on the bonds or
2 notes issued under this paragraph shall be made when due from the general fund of the state.

3 12-P:17 Matching Funds. The state treasurer is authorized to borrow upon the credit of the
4 state a sum not exceeding \$1,000,000 to make a loan or loans to the authority to be used solely for
5 the purposes of matching public and private funds. General obligation bonds and notes shall be
6 issued in the name of and on behalf of the state in accordance with the provisions of RSA 6-A. The
7 terms and conditions of any such loan shall be determined by the state treasurer and the governor
8 and council may impose such other conditions as they may deem appropriate. Payments of principal
9 and interest on the bonds or notes issued under this paragraph shall be made when due from the
10 general fund of the state.

11 12-P:18 Lakes Region Development Authority Fund; Expenditure of Other Revenues.

12 I. There is hereby established the lakes region development authority fund into which shall
13 be credited any sums appropriated to the authority for each fiscal year and any funds generated
14 from any project or activity of the authority, including sale of any authority property.

15 II. All sums in the lakes region development authority fund shall be nonlapsing and
16 continually appropriated to the authority for the following purposes:

17 (a) To purchase, lease, acquire, own, improve, use, sell, convey, transfer, or otherwise
18 deal in and with authority property, an authority project, or any interest therein, whether tangible
19 or intangible, as otherwise authorized under this chapter;

20 (b) To pay the costs of operating, maintaining, improving, and repairing all property and
21 projects of the authority;

22 (c) To pay the costs of administering and operating the authority, including, but not
23 limited to, all wages, salaries, benefits, and other expenses authorized by the board or the executive
24 director;

25 (d) To pay the principal of, and premium, if any, and the interest on the outstanding
26 bonds of the state related to property or projects of the authority as the same become due and
27 payable;

28 (e) To create and maintain a capital improvement fund for property and projects of the
29 authority to be established by the board in an amount not more than \$5,000,000;

30 (f) To pay any taxes that may be owed by the authority related to property or projects of
31 the authority;

32 (g) To pay any excess revenues authorized pursuant to RSA 12-P:13; and

33 (h) In general for the payment of all expenses incident to the management and operation
34 of the authority as are consistent with its statutory purpose and as the board thereof may from time
35 to time determine.

36 III. Revenues received and due to the authority from all other sources, except as provided in
37 paragraph I, from whatever source derived, shall be retained by the authority and shall be used in

1 such manner as the board may determine consistent with the provisions of this chapter or as is
2 otherwise provided by law or by the terms and conditions incident to any gift, grant, devise, bequest,
3 trust, or security document.

4 12-P:19 Audit and Annual Reports. The accounts of the authority shall be subject to an annual
5 audit performed by an independent certified public accountant selected by the authority. The
6 authority shall submit annually to all appointing authorities, to the house finance committee, the
7 senate finance committee, the senate president, the speaker of the house of representatives, the
8 senate clerk, the house clerk, the governor, and the state library a detailed report of its operations
9 and a complete financial audit for the preceding fiscal year, including financial statements prepared
10 in accordance with generally accepted accounting principles.

11 12-G:20 Construction and Effect of Other Laws.

12 I. All actions and proceedings of the authority shall be governed by the provisions of RSA 91-
13 A.

14 II. Purchases and contracts of the authority may be made or let without regard to any
15 provision of law relating to public purchases or contracts.

16 III. The sale, lease, rental, conveyance, purchase, acquisition, ownership, improvement,
17 transfer, or otherwise dealing in and with authority property, an authority project, or any interest
18 therein, whether tangible or intangible, may be undertaken and executed as otherwise authorized
19 under this chapter without regard to any provision of law relating to the state land or property,
20 tangible or intangible.

21 IV. The authority shall be exempt from the provisions of RSA 541-A and may adopt rules
22 and bylaws in accordance with its own procedures, including, but not limited to, rules regulating the
23 conduct of hearings. The authority shall file in the office of legislative services a copy of all rules and
24 bylaws adopted, amended, or repealed by the authority within 7 days of such adoption, amendment,
25 or repeal. All such rules and bylaws shall be made available to the public on the authority's website.

26 V. The provisions of this chapter shall be liberally construed in order to effect its purpose.

27 VI. If any provision of this chapter or the application thereof to any person or circumstance
28 is held invalid, the invalidity does not affect other provisions or applications of the chapter which can
29 be given effect without the invalid provisions or applications, and to this end the provisions of this
30 chapter are severable.