

Amendment to SB 440

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Definitions; Energy Efficiency and Clean Energy Districts. Amend RSA 53-F:1, VIII to read as
4 follows:

5 VIII. "Municipality" means any city, town, unincorporated **place**, ~~[town, unorganized place,]~~
6 or village district, or the designated representative of the city, town, **unincorporated place**, or
7 village district.

8 2 Towns, Cities, Village Districts, and Unincorporated Places; Energy-Efficient and Clean
9 Energy Districts; Adoption by Municipality. RSA 53-F:2 is repealed and reenacted to read as
10 follows:

11 I. In a municipality that has adopted a charter pursuant to RSA 49-D, the legislative body or
12 governing body may consider and act upon the question in accordance with its municipal charter.

13 II. In a municipality that has not adopted a charter pursuant to RSA 49-D, or in a village
14 district, the question may be placed on the warrant of an annual meeting only by the governing body,
15 or the governing body has the authority to adopt the provisions of this chapter and create a district
16 after the governing body holds at least one public hearing in accordance with the provisions of this
17 chapter.

18 (a) Notice of the time and place of each public hearing held under this section shall be at
19 least 10 calendar days before the hearing, excluding the day of posting and the day of the hearing.
20 Notice of each public hearing shall be published in a paper of general circulation in the municipality
21 and shall be posted in at least 2 public places.

22 (b) In lieu of publication in a paper of general circulation pursuant to subparagraph (a),
23 notice may be posted on the municipality's Internet website, if such exists. If notice is posted on the
24 municipality's website in lieu of publication in a paper of general circulation, the notice shall:

25 (1) Appear prominently on the municipality's website home page, or provide a clearly
26 labeled link on the home page that directs users to notice;

27 (2) Be posted at the time stated in subparagraph (a) and shall remain on the website
28 until the conclusion of the hearing; and

29 (3) Be posted in 2 other public places.

30 (c) The notice shall include:

31 (1) An adequate statement describing the area where the district shall be designated
32 and designating the place where a map for the proposed district is on file for public inspection; and

Amendment to SB 440
- Page 2 -

1 (2) To the greatest extent practicable and in easily understood language, any other
2 information to improve public understanding of the proposed district and this chapter.

3 (d) Notwithstanding paragraph II, upon receipt of a written petition signed by at least
4 25 registered voters prior to the governing body's vote, the question of the adoption of this chapter
5 and the creation of a district shall be inserted as an article on the warrant for the next regular
6 annual meeting.

7 III. In a county with an unincorporated place, the county commissioners shall have the
8 authority to adopt the provisions of this chapter and create one or more districts in one or more
9 unincorporated places by resolution.

10 IV. The district may cover all or a portion of the area within the municipality, village
11 district, or unincorporated place.

12 V. A municipality, village district, or county on behalf of an unincorporated place may vote
13 to rescind its action and dissolve the district in the same manner as it may vote to adopt, provided
14 that all agreements entered into with property owners and related legal obligations created prior to
15 its vote to rescind shall remain in effect.

16 VI. Notwithstanding this section and in accordance with RSA 39:3, a municipality that has
17 not adopted a charter pursuant to RSA 49-D, or a village district, may vote to prohibit the
18 establishment of new districts or dissolve any existing districts. All agreements entered into with
19 property owners and related legal obligations created prior to the vote of the municipality or village
20 district to dissolve a district shall remain in effect.

21 3 Agreements with Property Owners. Amend RSA 53-F:4, III to read as follows:

22 III. The municipality shall execute a notice of the assessment and lien, and an assignment of
23 notice of assessment and lien under this chapter for recording in the county registry of deeds. The
24 notice shall consist of the following statement or its substantial equivalent: "This property is subject
25 to a special assessment related to the installation of qualifying *improvements* under RSA 53-F."

26 4 Effective Date. This act shall take effect upon its passage.