

CHAPTER 109
SB 111 – FINAL VERSION

03/21/13 0893s
05/02/13 1680EBA

2013 SESSION

13-0964
06/10

SENATE BILL ***111***

AN ACT permitting municipalities to make appropriations for a term beyond one fiscal year for certain capital projects and relative to electronic billing by municipal utilities.

SPONSORS: Sen. Bragdon, Dist 11; Rep. Chandley, Hills 22

COMMITTEE: Public and Municipal Affairs

AMENDED ANALYSIS

This bill:

- I. Permits municipalities to appropriate funds for a term beyond one fiscal year.
- II. Permits municipalities to adopt a capital reserve plan by a supermajority vote.
- III. Permits municipal utilities to issue bills or notices electronically if requested by a customer.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT permitting municipalities to make appropriations for a term beyond one fiscal year for certain capital projects and relative to electronic billing by municipal utilities.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 109:1 Municipal Budget Law; Definitions; Special Warrant Article. Amend RSA 32:3, VI(d) to
2 read as follows:

3 (d) Is designated in the warrant, by the governing body, as a special warrant article, or
4 as a nonlapsing or nontransferable appropriation[-]; *or*

5 ***(e) Calls for an appropriation of an amount for a capital project under***
6 ***RSA 32:7-a.***

7 109:2 New Section; Appropriation for Capital Projects. Amend RSA 32 by inserting after section
8 7 the following new section:

9 32:7-a Appropriations for Capital Projects. In addition to any other appropriation authority,
10 and notwithstanding any other provisions of law, at any annual meeting the legislative body may, by
11 the affirmative vote of 2/3 of those present and voting, or by the affirmative vote of 3/5 of those
12 voting on the question in a town or district that has adopted the official ballot referendum form of
13 meeting, appropriate funds for a term beyond one fiscal year, but not to exceed 5 fiscal years, as
14 follows:

15 I. The appropriation shall be only for an identified project, as described in the article
16 authorizing the appropriation, for which it would be lawful to issue a bond or note under RSA 33:3 or
17 RSA 33:3-c.

18 II. The article authorizing the appropriation shall state the term of years of the
19 appropriation, the total amount of the appropriation, and the amount to be appropriated in each year
20 of the term.

21 III. For each year after the first year, the amount designated for that year as provided in
22 paragraph II shall be deemed appropriated without further vote by the legislative body, unless the
23 appropriation is rescinded as provided in paragraph VI. In a town or district that has adopted the
24 official ballot referendum form of meeting, the amount designated for each year shall be included in
25 the default budget for that year.

26 IV. If the amount appropriated for any year is not spent during the year, the unexpended
27 amount shall not lapse, but shall be available for expenditure in a subsequent year during the term;

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1 provided that all unexpended amounts shall lapse at the end of the term.

2 V. The approval of an appropriation under this section shall not constitute the
3 establishment of a capital reserve fund, and any amounts appropriated shall not be deposited into
4 such a fund.

5 VI. Prior to the expiration of the term, the legislative body may, at any annual meeting,
6 rescind the appropriation by an affirmative vote of a majority of those voting on the question. Upon
7 rescission, any unexpended amount shall lapse immediately.

8 109:3 New Subparagraph; Municipal Electric, Gas, or Water Systems; Liens and Collection of
9 Charges; Electronic Billing. Amend RSA 38:22, II by inserting after subparagraph (d) the following
10 new subparagraph:

11 (e) The tax collector under subparagraph (a), or the person responsible for issuing bills
12 under subparagraph (b), may issue bills or notices by electronic means only after the customer
13 requests such delivery. There shall be no charge for delivery of bills or notices by electronic means
14 and there shall be no penalty for not choosing to elect delivery by electronic means. Any request for
15 electronic delivery of bills or notices shall contain the physical signature of the customer or an
16 electronic signature conforming to the requirements of the federal Electronic Signatures Act of 2000,
17 Public Law 106-229, or its successor. Any agreement executed by a customer to receive tax bills by
18 electronic means shall contain a description of the delivery system proposed to be used and shall
19 contain clear instructions on the method for terminating such delivery. In the event that the tax
20 collector or other person responsible for sending bills or notices has any reason to believe that bills or
21 notices sent by electronic means have failed to be delivered, such person shall promptly send a
22 duplicate of the bills or notices to the customer by first class mail. A duplicate bill or notice mailed
23 in compliance with this requirement shall be at no cost to the customer. Second and subsequent
24 notices of payments due, or notices of delinquency, shall be sent by first class mail. Sending a bill as
25 provided in this paragraph shall not change the last date that bills may be paid without penalty.

26 109:4 Effective Date. This act shall take effect 60 days after its passage.

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28 Approved: June 24, 2013

29 Effective Date: August 23, 2013