

Amendment to HB 1429-FN-A

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

2

3 1 New Section; Department of Environmental Services; Dams; Transfer Procedures. Amend  
4 RSA 482 by inserting after section 51 the following new section:

5 482:51-a Dams; Transfer to Municipality or Association.

6 I. At least one year prior to removing any state-owned dam, the department shall offer to  
7 transfer ownership of the dam and associated property to the municipality in which the dam and  
8 impoundment created by it are located. Upon notice by the department, the governing body shall  
9 cause the legislative body to answer the question of whether the legislative body wants to accept the  
10 transfer of ownership of the dam. At the same meeting, the legislative body shall consider the  
11 issuance of any long term debt necessary to effectuate the transfer and address any deficiencies. If  
12 the legislative body votes to accept the transfer but denies issuance of the debt, the department shall  
13 consider that to be a rejection of the offer. Upon rejection of the offer by the municipality, the  
14 department shall offer to transfer ownership of the dam and impoundment created by it to any  
15 association of landowners or any interested parties, registered as a public entity in good standing  
16 and capable of issuing long term debt which have an interest in perpetuating the dam and its  
17 impoundment. Those interested parties shall have 90 days to consider whether to accept the  
18 transfer of ownership. After those 90 days have elapsed with no accepted offers for a transfer of  
19 ownership, the department may proceed with removal of the dam.

20 II. The procedure in paragraph I shall not apply if, upon receipt of information reasonably  
21 believed to be valid, the commissioner of environmental services believes the dam to be in imminent  
22 danger of failure and a threat to the lives and property downstream.

23 III. When offering a transfer of a dam under paragraph I, the department shall provide to  
24 the offerees any existing documentation regarding the dams condition, a good faith estimate of costs  
25 of necessary repairs, a list of ongoing maintenance, inspection, or licensing needed, and all other  
26 relevant information regarding the costs of taking ownership of the dam with associated property.

27 IV. The department shall develop by administrative rules under RSA 541-A a process by  
28 which municipalities, or other interested parties who are capable of assessing local property taxes or  
29 issuing debt, may apply for a loan necessary for the repair and maintenance of non-state-owned  
30 dams. Loans shall be funded by moneys in the dam maintenance revolving loan fund established in  
31 RSA 482:55-b.

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1           2 New Section; Dam Maintenance Revolving Loan Fund Established. Amend RSA 482 by  
2 inserting after section 55-a the following new section:

3           482:55-b Dam Maintenance Revolving Loan Fund Established.

4           I. There is established a dam maintenance revolving loan fund to provide loans to fund the  
5 maintenance, repair, removal, or improvement of any municipally owned dam, when such  
6 maintenance, repair, removal, or improvement is required under this chapter. This fund shall be  
7 nonlapsing and shall be continually appropriated to the department for the purposes of RSA 482:51-  
8 a. No loans shall be made from this fund until the fund has accrued a balance of at least \$2,500,000.

9           II. Loans made from the fund shall be issued at the discretion of the department of  
10 environmental services.

11           III. A sum equal to up to 5 percent or not more than \$200,000 of the balance of the fund each  
12 year shall be set aside to pay the department costs of administering the fund. The funds set aside  
13 shall be deposited into the dam maintenance fund and shall be continually appropriated to the  
14 department exclusively for the purposes of this section and RSA 482:51-a.

15           IV. The department shall adopt rules for the revolving loan fund including the interest rate  
16 charged on loans and oversight of the administration of the fund. In providing loans, the  
17 department shall evaluate the risk posed by the dam, the public benefit of the dam, the private  
18 benefit of the dam to lakefront owners, the ecological impacts of the dam, the potential for  
19 contributions to needed maintenance, repair, or reconstruction, the financial resources of the  
20 applicant, and the relative cost of maintaining, repairing, or improving the dam as compared to  
21 removing or breaching the dam.

22           V. Sources of revenue that may be accepted and deposited into the dam maintenance  
23 revolving loan fund include:

24                   (a) Any funds that may be appropriated from the general fund;

25                   (b) Principal and interest received from the repayment of loans made from the fund;

26                   (c) Grants and awards made to the state by the federal government for the purpose for  
27 which the fund was established;

28                   (d) Interest earned from the investment of fund balances;

29                   (e) Private gifts, bequests, and donations made to the state for the purpose for which the  
30 fund was established; and

31                   (f) Any other funds from any public or private source intended to be used for the purpose  
32 for which the fund was established.

33           3 New Subparagraph; Dam Maintenance Revolving Loan Fund. Amend RSA 6:12, I(b) by  
34 inserting after subparagraph (394) the following new subparagraph:

35                   (395) Moneys deposited in the dam maintenance revolving loan fund established in  
36 RSA 482:55-b.

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1           4 Appropriation; Department of Environmental Services; Dam Maintenance Revolving Loan  
2 Fund. The sum of \$1 is appropriated to the department of environmental services for deposit in the  
3 dam maintenance revolving loan fund established in RSA 482:55-b, for the purpose of providing  
4 loans under RSA 482:51-a. The governor is authorized to draw a warrant for said sum out of any  
5 money in the treasury not otherwise appropriated.

6           5 Effective Date. This act shall take effect July 1, 2024.

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AMENDED ANALYSIS

This bill establishes a procedure for the department of environmental services to transfer ownership of a dam and associated property to the municipality in which the dam is located, or to other associations or parties, and includes the authority of the department to make loans from a dam maintenance revolving loan fund.