

**CHAPTER 45**  
**HB 428 – FINAL VERSION**

6Mar2013... 0401h

2013 SESSION

13-0583  
08/10

HOUSE BILL            **428**

AN ACT                relative to funds for dam maintenance, removal and improvement.

SPONSORS:            Rep. Suzanne Smith, Graf 8; Rep. Ebel, Merr 5; Rep. Brown, Graf 2

COMMITTEE:          Resources, Recreation and Development

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ANALYSIS

This bill allows all dam owners, excluding the state, to receive money from the dam maintenance, removal and improvement revolving loan fund.

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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                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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                   relative to funds for dam maintenance, removal and improvement.

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

1           45:1 Dam Maintenance, Removal and Improvement; Revolving Loan Fund. Amend RSA 482:55-  
2 a, I-II to read as follows:

3           I. A dam maintenance revolving loan fund shall be established to provide low interest loans  
4 to fund the maintenance, repair, [~~or reconstruction~~] **removal, or improvement** of [~~privately owned~~]  
5 **any dams excluding state owned dams**, when such maintenance, repair, [~~or reconstruction~~]  
6 **removal, or improvement** is required under this chapter. This fund shall be nonlapsing and shall  
7 be continually appropriated to the department for the purposes of this section. No loans shall be  
8 made from this fund until the fund has accrued a balance of at least \$25,000. [~~Private~~] Dam owners  
9 receiving loans from this fund shall repay the department on a time frame specified in rules  
10 established by the department. The commissioner shall collect all loan repayment moneys and  
11 deposit them in this fund.

12           II. The department shall establish rules for the fund including the application process,  
13 criteria for award, the procedure for making loans, the interest rate to be applied, the maximum loan  
14 amount, the time frame for repayment, **actions to be taken in the event of a default on a loan**,  
15 and oversight of the administration of the fund. In providing loans, the department shall evaluate  
16 the risk posed by the dam, the public benefit of the dam, the private benefit of the dam to lakefront  
17 owners, **the ecological impacts of the dam**, [~~and~~] the potential for [~~their contribution~~]  
18 **contributions** to needed maintenance, repair, or reconstruction, the financial resources of the  
19 applicant, and the relative cost of maintaining, repairing, or [~~reconstructing~~] **improving** the dam as  
20 compared to removing or breaching the dam.

21           45:2 Effective Date. This act shall take effect 60 days after its passage.

22 Approved: June 4, 2013

23 Effective Date: August 3, 2013