

CHAPTER 193
HB 1339 - FINAL VERSION

04/21/2022 1474s

2022 SESSION

22-2557
08/10

HOUSE BILL ***1339***

AN ACT relative to the Winnepesaukee River basin control replacement fund.

SPONSORS: Rep. Johnson, Belk. 3; Rep. Silber, Belk. 2; Sen. Bradley, Dist 3

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill changes how the Winnepesaukee River basin control replacement fund is capitalized.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Two

AN ACT relative to the Winnepesaukee River basin control replacement fund.

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

1 193:1 Winnepesaukee River Basin Control Replacement Fund. Amend RSA 485-A:51 to read as
2 follows:

3 485-A:51 Replacement Fund Established.

4 I. There is established a nonlapsing, revolving fund to provide capital for repair and replacement
5 of major components of the water pollution control facilities administered under this subdivision which
6 cannot be absorbed as regular budgetary items. The replacement fund is to be capitalized by
7 contributions from the members served by the facilities based on each member's projected usage of the
8 facilities.

9 II. The fund shall ***be capitalized at an amount*** equal ***to*** 5 percent ***of the value*** of the equipment
10 and other depreciable assets of the treatment facilities. The value of the equipment and other depreciable
11 assets shall be computed every 5 years, beginning in 1990, and shall be based on current replacement
12 costs.

13 III. Each member's share of the total fund ***capital*** shall be contributed over a period of 10 years
14 after the initial establishment of the fund and shall be paid as a yearly surcharge to the member's
15 operating charges. Thereafter, each member's surcharge shall be prorated as membership and design
16 changes require.

17 IV. Once a member has fully funded its share of the replacement fund ***capital***, the member shall
18 make no further contributions until the fund is utilized for repair or replacement of a facility used by that
19 member ***or the asset valuation increases such that the fund capitalization increases as established in***
20 ***paragraphs II and III.*** [~~Expenses for which the fund is used shall be proportionally charged against each~~
21 ~~member's contributions to the fund for the facilities utilizing the fund, which will subsequently be~~
22 ~~reimbursed by the member in successive years in addition to the member's yearly contribution to the fund,~~
23 ~~until the member's share of the fund is fully restored.] ***Following any expenditure from the fund, 50***
24 ***percent of the expenditure shall be replenished by contributions from those members that utilize the***
25 ***facilities receiving funding based on each member's proportional usages of said facilities, and 50 percent***
26 ***of the expenditure shall be shared among all members using their respective percentage assessment for***
27 ***replacement fund contributions pursuant to paragraph III. The expenditures shall be reimbursed by the***
28 ***members over a 10-year period in addition to the members yearly contribution to the fund until the***
29 ***member's share of the fund is fully restored.***~~

30 V. If a repair or replacement cost exceeds the value of the fund established for that particular
31 facility, the repair cost shall be paid out of the portion of the fund established for other facilities, [~~but~~
32 ~~reimbursement to the fund shall always be assessed back to members based on their projected usage of~~

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1 ~~the facilities needing repair]~~ *however, reimbursement to the fund shall always be assessed back to*
2 *members in accordance with the apportionment set forth in paragraph IV.*

3 VI. As new facilities, if any, are added to the system, additional assessments shall be made to the
4 members benefiting from these facilities, prorated on the basis of projected use.

5 VII. If a new member joins the system, the assessments shall be modified to reflect the new
6 member's *proportional* benefit from the facilities, and excess prior payments made by other members, if
7 any, shall be credited to their accounts.

8 VIII. All contracts paid for using the fund shall be submitted to the governor and council for
9 approval.

10 IX. This nonlapsing, revolving special purpose fund is continually appropriated to be used by the
11 department in accordance with this subdivision. All moneys shall be deposited with the state treasurer
12 who shall keep this money in a separate fund, notwithstanding RSA 6:12. The state treasurer shall invest
13 the moneys deposited with him as provided by law. Interest received on investments made by the state
14 treasurer shall also be credited to the fund. All such interest shall be added to each member's share of
15 the fund based on each member's contribution to it.

193:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 17, 2022

Effective Date: August 16, 2022