CHAPTER 94
HB 1435-FN - FINAL VERSION

2026 SESSION

26-2345
07/08

HOUSE BILL *1435-FN*

AN ACT relative to changes to the Winnipesaukee river basin control replacement fund.

SPONSORS: Rep. Bogert, Belk. 5; Rep. St. Clair, Belk. 5

COMMITTEE: Ways and Means

ANALYSIS

This bill makes changes to the Winnipesaukee river basin control replacement fund.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 94
HB 1435-FN - FINAL VERSION

26-2345
07/08

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty-Six

AN ACT relative to changes to the Winnipesaukee river basin control replacement fund.

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

94:1 Water Management and Protection; Winnipesaukee River Basin Control; Replacement Fund Established. Amend RSA 485-A:51, II-VIII to read as follows:

II. The fund shall be capitalized at an amount equal to [~~5~~] ***2*** percent of the value of the equipment and other depreciable assets of the treatment facilities. The value of the equipment and other depreciable assets shall be computed every 5 years, beginning in 1990, and shall be based on current replacement costs. ***Notwithstanding any other provision of law to the contrary, this capitalization value shall apply to the valuation commencing on June 30, 2024.***

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

IV. Once a member has fully funded its share of the replacement fund capital, the member shall make no further contributions until the fund is utilized for repair or replacement of a facility used by that member or the asset valuation increases such that the fund capitalization increases as established in paragraphs II and III. Following any expenditure from the fund, 50 percent of the expenditure shall be replenished by contributions from those members that utilize the facilities receiving funding based on each member's proportional usages of said facilities, and 50 percent of the expenditure shall be shared among all members using their respective percentage assessment for replacement fund contributions pursuant to paragraph III. The expenditures shall be reimbursed by the members over a 10-year period***, or over a shorter period at the discretion of the member,*** in addition to the member's yearly contribution to the fund until the member's share of the fund is fully restored.

V. If a repair or replacement cost exceeds the value of the fund established for that particular facility, the repair cost shall be paid out of the portion of the fund established for other facilities, however, reimbursement to the fund shall always be assessed back to members in accordance with the apportionment set forth in paragraph IV.

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

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

VIII. [~~All contracts paid for using the fund shall be submitted to the governor and council for approval~~] ***If a member exits the system or there is consolidation of members, the fund shall be adjusted to***

reflect modified projected use of the equipment and other infrastructure, fund balances, and expenditure reimbursement obligations.

94:2 Water Management and Protection; Winnipesaukee River Basin Control; Replacement Fund Established. Amend RSA 485-A:51, II to read as follows:

II. The fund shall be capitalized at an amount equal to 2 percent of the value of the equipment and other depreciable assets of the treatment facilities. The value of the equipment and other depreciable assets shall be computed every 5 years, beginning in 1990, and shall be based on current replacement costs. [~~Notwithstanding any other provision of law to the contrary, this capitalization value shall apply to the valuation that occurred on June 30, 2024.~~]

94:3 Effective Date.

I. Section 2 of this act shall take effect June 30, 2029.

II. The remainder of this act shall take effect upon its passage.

Approved: May 28, 2026
Effective Date:
I. Section 2 effective June 30, 2029.
II. Remainder effective May 28, 2026