HB 1603-FN - AS INTRODUCED

2020 SESSION

HOUSE BILL 1603-FN

AN ACT establishing the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan program and fund.


COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill establishes the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan program and fund.

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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.
STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty

AN ACT establishing the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan program and fund.

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

1 New Subdivision; Per and Polyfluoroalkyl Substances Contamination Remediation and Mitigation Fund. Amend RSA 486 inserting after section 14 the following new subdivision:

Per and Polyfluoroalkyl Substances Contamination Remediation and Mitigation Program

486:15 Per and Polyfluoroalkyl Substances Contamination Remediation and Mitigation Program and Fund. There is hereby established the per and polyfluoroalkyl substances contamination remediation and mitigation program and fund (PFAS). Any moneys the state receives from lawsuits or settlements with manufacturers of products containing PFAS shall be deposited in the PFAS fund. Moneys in this fund shall be nonlapsing and continually appropriated to the department of environmental services for assisting municipalities and members of the public who have been harmed by the presence of PFAS in the air, soil, or water through the issuing of loans.

486:16 Per and Polyfluoroalkyl Substances Contamination Remediation and Mitigation Revolving Loan Funds.

I.(a) The per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan funds shall be administered by the commissioner of the department of environmental services under rules adopted pursuant to RSA 541-A.

(b) A sum equal to 2 percent of all loan principal balances outstanding each year, which shall be an administrative charge, shall be set aside to be used by the department of environmental services to pay the costs of administering the state per and polyfluoroalkyl substances contamination remediation and mitigation loan funds.

II. It is the intent of the general court that many projects be considered for inclusion in the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan fund program. Projects addressing damage to public health from per and polyfluoroalkyl substances contamination shall be given first priority.

III. Any borrowing by a municipality from the loan fund or grant funded moneys shall be governed by the applicable provisions of RSA 33, provided that the first principal payment on any loan and the first of the annual payments required under RSA 33:2 may be deferred up to one year after the estimated or actual completion date of the project being financed by the loan, and provided further that no authenticating certificate shall be required under RSA 33:11(b).
2 New Subparagraph; Special Fund. Amend RSA 6:12, I by inserting after subparagraph (358) the following new subparagraph:

(359) Moneys received under RSA 486:15, which shall be credited to the per and polyfluoroalkyl substances contamination remediation and mitigation program.

3 Effective Date. This act shall take effect July 1, 2020.
AN ACT establishing the per and polyfluoroalkyl substances contamination remediation and mitigation revolving loan program and fund.

FISCAL IMPACT: [ X ] State [ ] County [ X ] Local [ ] None

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<td>Revenue</td>
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<tr>
<td>Expenditures</td>
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| Funding Source: | [ X ] General PFAS Fund [ ] Education [ ] Highway [ X ] Other - |

LOCAL:

<table>
<thead>
<tr>
<th>Revenue</th>
<th>Expenditures</th>
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METHODOLOGY:

This bill establishes the per and polyfluoroalkyl substances (PFAS) contamination and remediation and mitigation revolving loan program and fund using proceeds received by the State from the State's lawsuits or settlements with manufacturers of products containing PFAS. The nonlapsing, continually appropriated fund would be used by the Department of Environmental Services to assist municipalities and members of the public harmed by the presence of PFAS in air, soil or water through the issuing of loans. The Department would administer the program pursuant to rules adopted under RSA 541-A. The Department indicates the impacts on state and municipal revenues and state expenditures are indeterminable as proceeds from any lawsuits or settlements cannot be estimated and state expenditures and local revenue would be limited to such proceeds. There would be no impact on county revenue or expenditures.

The Department of Justice indicates it would be able to administer the additional tasks resulting from this bill within its existing budget.

AGENCIES CONTACTED:

Departments of Justice and Environmental Services