

**HB 1353 – AS INTRODUCED**

2008 SESSION

08-2034

06/03

HOUSE BILL ***1353***

AN ACT relative to local control of water resources.

SPONSORS: Rep. Kurk, Hills 7; Rep. Harvey, Hills 21; Rep. Bucu, Carr 1;  
Sen. D'Allesandro, Dist 20

COMMITTEE: Resources, Recreation and Development

ANALYSIS

This bill:

I. Requires an affirmative vote of municipal legislative bodies prior to any large groundwater withdrawal.

II. Requires a privately owned public water utility, prior to the sale of its interests, to provide any municipality it serves with a right of first refusal.

-----  
-----

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

08-2034

06/03

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Eight*

AN ACT relative to local control of water resources.

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

1 Duties of the Department. Amend RSA 485-C:3, VI to read as follows:

VI. Manage and preserve the state's groundwater on behalf of the citizens of the state, recognizing that any private use of groundwater and other [public] waters ***in public trust*** shall be reasonable in light of the protected interests of the general public in the use and enjoyment of groundwater and other [public] waters ***in public trust*** by ensuring that no unmitigated adverse impact, as defined in this chapter, occurs.

2 Approval for Large Groundwater Withdrawals. Amend RSA 485-C:21, I to read as follows:

I. No person may withdraw more than a total of 57,600 gallons of water in any 24-hour period from a well or wells sited at a single property or place of business after the effective date of this section, regardless of the number of wells sited on the property or business, without the prior approval of the department ***and an affirmative vote of each municipal legislative body under whose land any part of the relevant aquifer lies.***

3 New Section; Approval for Large Surface Water Withdrawals. Amend RSA 488 by inserting after section 9 the following new section:

488:9-a Approval for Large Surface Water Withdrawals. No person may withdraw 57,600 gallons or more of water in any 24-hour period from surface water without prior approval of the commissioner and an affirmative vote of each municipal legislative body in which any part of the relevant surface water lies.

4 New Section; Right of First Refusal. Amend RSA 374 by inserting after section 32 the following new section:

374:32-a Right of First Refusal for Public Water Utility. A privately owned public utility that provides water to the residents of a municipality shall not sell or otherwise dispose any of its interests, whether by stock, assets, or otherwise, to another person or persons unless the utility first offers the municipality in writing a right of first refusal to acquire that interest.

5 Effective Date. This act shall take effect 60 days after its passage.