

SB 379-FN - VERSION ADOPTED BY BOTH BODIES

03/17/2022 0826s  
05/26/2022 2092EBA

2022 SESSION

22-3114  
08/11

SENATE BILL **379-FN**

AN ACT establishing the solid waste management fund and grant program.

SPONSORS: Sen. Watters, Dist 4; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Hennessey, Dist 1; Sen. D'Allesandro, Dist 20; Sen. Sherman, Dist 24; Sen. Kahn, Dist 10; Sen. Prentiss, Dist 5; Sen. Avard, Dist 12; Rep. Ebel, Merr. 5; Rep. Suzanne Smith, Graf. 8; Rep. Grassie, Straf. 11

COMMITTEE: Ways and Means

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AMENDED ANALYSIS

This bill:

- I. Establishes the solid waste management fund.
- II. Repeals the existing surcharge on out-of-state waste.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Two*

AN ACT establishing the solid waste management fund and grant program.

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

1 1 New Chapter; Solid Waste Management Fund. Amend RSA by inserting after chapter 149-Q  
2 the following new chapter:

3 CHAPTER 149-R

4 SOLID WASTE MANAGEMENT FUND

5 149-R:1 Findings and Purpose. The general court finds that the proper and integrated  
6 management of solid waste under RSA 149-M, including the enhancement of waste and waste  
7 diversion methods, has become a matter of great concern. The general court hereby declares that  
8 the purpose of RSA 149-R is to assist communities, businesses, and the general public with their  
9 efforts to improve solid waste reduction and diversion activities.

10 149-R:2 Definitions. In this chapter:

11 I. "Commissioner" means the commissioner of the department of environmental services.

12 II. "Department" means the department of environmental services.

13 III. "Fund" means the solid waste management fund established under RSA 149-R:3.

14 IV. "Solid waste" means solid waste as defined in RSA 149-M:4, XXII.

15 149-R:3 New Hampshire Solid Waste Management Fund and Grant Program Established.

16 I. There is hereby established the New Hampshire solid waste management fund to be used  
17 for the purposes of this chapter.

18 II. This non-lapsing, revolving special fund is hereby continuously appropriated to be  
19 expended by the department in accordance with this chapter. The state treasurer shall invest the  
20 moneys deposited in accordance with RSA 6:8. Any earnings on fund moneys shall be added to the  
21 fund.

22 149-R:4 Purpose and Use of the Fund.

23 I. The fund shall be used to provide matching grant funding to New Hampshire  
24 municipalities, private entities, and businesses for projects that will provide a demonstrated,  
25 significant improvement in waste diversion methods and contribute to a reduction of wastes,  
26 including hazardous waste materials, requiring disposal, including a regional or municipal materials  
27 recovery facility operated by a public or private entity, and other regional recycling efforts.

28 II. The fund may be used to hire consultants or contractors, or to pay other necessary  
29 expenses directly associated with approved activities in this chapter.

**SB 379-FN - VERSION ADOPTED BY BOTH BODIES**

**- Page 2 -**

1           III. The department is authorized to solicit funds from the United States Environmental  
2 Protection Agency or other agencies that are targeted for making grants consistent with this section.  
3 Such funds, when received, may be deposited into the fund, and shall be used for the purposes  
4 described in this chapter.

5           149-R:5 Rulemaking. The commissioner shall adopt rules, after public hearing and pursuant to  
6 RSA 541-A, relative to administering matching grants pursuant to RSA 149-R:4, I.

7           149-R:6 Biennial Report. The department shall include in its biennial report required under  
8 RSA 149-M:29, II, information relative to the activities and finances of the solid waste management  
9 fund.

10          2 Administration of Solid Waste Management Fund RSA 149-M:6, XI is repealed and reenacted  
11 to read as follows:

12           XI. Administer the provisions of RSA 149-R.

13          3 New Subparagraph; New Hampshire Solid Waste Management Fund. Amend RSA 6:12, I(b)  
14 by inserting after subparagraph (382) the following new subparagraph:

15                   (383) Moneys deposited in the New Hampshire solid waste management fund  
16 established in RSA 149-R:3.

17          4 New Subparagraph; Information in Biennial Report. Amend RSA 149-M:29, II by inserting  
18 after subparagraph (i) the following new subparagraph:

19                   (j) The activities and finances of the solid waste management fund, as required by RSA  
20 149-R:6.

21          5 Repeal. RSA 149-M:7, VII, relative to rulemaking relative to the out-of-state waste disposal  
22 surcharge, is repealed.

23          6 Effective Date. This act shall take effect July 1, 2022.

**SB 379-FN- FISCAL NOTE**  
 AS AMENDED BY THE SENATE (AMENDMENT #2022-0826s)

AN ACT                    establishing the solid waste management fund and establishing a solid waste disposal surcharge.

**FISCAL IMPACT:**     State                     County                     Local                     None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
<b>Appropriation</b>	\$0	\$0	\$0	\$0
<b>Revenue</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Expenditures</b>	\$0	Indeterminable	Indeterminable	Indeterminable
<b>Funding Source:</b>	<input type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Solid Waste Management Fund			

**METHODOLOGY:**

This bill establishes a state solid waste management fund to be administered by the Department of Environmental Services, and authorizes the Department to solicit federal funds for the fund's purposes. As this bill provides no initial appropriation or transfer of funds, any impact this bill may have on state revenue or expenditures would be contingent on future funding considerations and therefore indeterminable at this time.

**AGENCIES CONTACTED:**

None