

February 17, 2022  
No. 8A

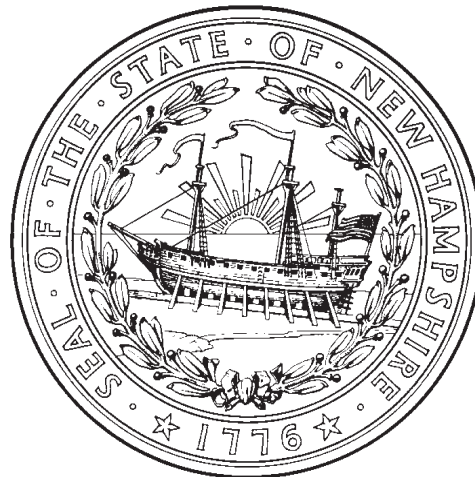
# STATE OF NEW HAMPSHIRE

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**Second Year of the 167<sup>th</sup> Session of the  
New Hampshire General Court**

# SENATE CALENDAR ADDENDUM

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**THE SENATE WILL MEET IN SESSION ON THURSDAY,  
FEBRUARY 24, 2022 AT 10:00 A.M. IN REPRESENTATIVES' HALL**

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**The Senate Session on Thursday, February 24, 2022, in Representatives' Hall  
will be live streamed at the following link:**

[Senate Session \(02/24/2022\) - YouTube](#)

**Please note, this link will not be live until the Senate Session on  
Thursday, February 24, 2022 at 10:00 a.m.**

## **CONSENT CALENDAR REPORTS**

### **COMMERCE**

**SB 212-FN**, relative to liquor manufacturers.

Ought to Pass with Amendment, Vote 5-0.

Senator Gannon for the committee.

This bill was filed at the request of the Craft Brewers Association. When food is available, the Committee Amendment would allow craft liquor brewers to serve 1/2-ounce per label and one cocktail per person with no more than 1 1/2 ounces of liquor produced by the liquor manufacturer per cocktail, or 2 cocktails per person with no more than 1 1/2 ounces of liquor produced by the liquor manufacturer per cocktail. Previous limitations excluded almost all craft brewers from participating in farmers markets. This bill made slight modifications to allow those brewers to better connect with other businesses and sell their products at farmers markets.

**SB 331**, relative to waivers of deductibles in automobile insurance policies.

Interim Study, Vote 5-0.

Senator Soucy for the committee.

This legislation as introduced would have required that the deductible be waived on an auto insurance policy when damage was caused by an operator who was positively identified and was solely at fault. Although the committee was sympathetic to those who had difficulty coming up with the deductible prior to having their vehicle repaired, the Insurance department stated that auto insurance providers could already provide policies that have lower deductibles or provide for waiver. In addition, the Insurance department expressed concern about requiring this type of coverage. In light of the concerns expressed the committee believes this legislation warrants more study at this time.

**SB 340-FN**, relative to the direct to consumer shipment of alcohol to New Hampshire residents.

Interim Study, Vote 5-0.

Senator Bradley for the committee.

This bill would have eliminated the annual restriction placed on shipments to consumers by liquor, wine, and beer manufacturers. In addition, this bill would have eliminated the requirement that the names and addresses of purchasers be provided to the Liquor Commission. The Committee heard that previous legislation had been adopted to avoid potential litigation by applying the same limitations to in-state direct shippers as those applied to out-of-state direct shippers.

### **JUDICIARY**

**SB 300-FN**, relative to the state commission for human rights.

Interim Study, Vote 5-0.

Senator French for the committee.

This bill would define and include the refusal of an experimental drug in the protections provided under the State Commission for Human Rights. As this issue is already being addressed with multiple other pieces of legislation this Session, including SB 374-FN, there is no need for this bill to move forward at this time.

**SB 303-FN**, relative to reimbursement of sheriffs offices for prisoner custody and control.

Ought to Pass with Amendment, Vote 5-0.

Senator Kahn for the committee.

This bill requires the Judicial Branch to reimburse the Sheriff's Office at the rate provided in the collective bargaining agreement applicable to per diem court security officers for court security and prisoner custody and control, ensuring fairness and equity in the reimbursement. The bill also revises the labor grade and employment classification for the colonel, executive major, and majors of the State Police, placing them in a labor grade appropriate to the officers they supervise.

### **TRANSPORTATION**

**HB 435-FN**, relative to the suspension of drivers' licenses

Ought to Pass, Vote 5-0.

Senator Watters for the committee.

HB 435-FN modifies the circumstances under which a driver's license may be suspended or revoked, clarifying revocation is allowable on the grounds of physical or mental impairment. This is a clarifying change and, as amended by the House, there is no fiscal impact.

## **REGULAR CALENDAR REPORTS**

### **COMMERCE**

**SB 203**, relative to the state minimum hourly rate.

Interim Study, Vote 3-2.

Senator French for the committee.

**SB 214**, relative to conflicts of interest and contract powers of condominium unit owners' associations.

Inexpedient to Legislate, Vote 3-2.

Senator French for the committee.

### **ENERGY AND NATURAL RESOURCES**

**SB 367**, relative to the regulatory status of advanced recycling and manufacturing facilities.

Ought to Pass with Amendment, Vote 4-0.

Senator Avard for the committee.

**SB 424-FN**, relative to renewable energy and natural gas.

Ought to Pass with Amendment, Vote 4-0.

Senator Avard for the committee.

**SB 452-FN**, relative to lead in drinking water in schools and licensed child care facilities.

Ought to Pass with Amendment, Vote 4-0.

Senator Watters for the committee.

### **FINANCE**

**SB 261-FN**, relative to net metering participation.

Ought to Pass, Vote 5-0.

Senator Giuda for the committee.

**SB 268-FN**, relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine.

Ought to Pass, Vote 5-0.

Senator Reagan for the committee.

**SB 366-FN**, requiring an audit of ballots cast in the 2022 primary and general election.

Ought to Pass, Vote 5-0.

Senator Daniels for the committee.

**SB 396-FN**, relative to solid waste management.

Ought to Pass, Vote 6-0.

Senator D'Allesandro for the committee.

**SB 407-FN**, relative to expanding Medicaid to include certain postpartum health care services and making an appropriation therefor.

Ought to Pass with Amendment, Vote 5-1.

Senator Rosenwald for the committee.

**SB 408-FN**, directing the department of health and human services to make adjustments to the facility fee reimbursement schedule for freestanding birthing centers.

Inexpedient to Legislate, Vote 4-2.

Senator Daniels for the committee.

**SB 422-FN**, establishing an adult dental benefit under the state Medicaid program.

Ought to Pass with Amendment, Vote 6-0.

Senator Rosenwald for the committee.

**SB 423-FN**, relative to a closed loop referral system in the department of health and human services.

Ought to Pass, Vote 6-0.

Senator Giuda for the committee.

**SB 440-FN**, relative to the office of offshore wind industry development.

Ought to Pass, Vote 6-0.

Senator Hennessey for the committee.

## **JUDICIARY**

**SB 302-FN**, establishing the personal privacy protection act.

Ought to Pass with Amendment, Vote 3-2.

Senator Carson for the committee.

**SB 392**, relative to the statutory definition of insane or insane person.

Ought to Pass with Amendment, Vote 4-1.

Senator Whitley for the committee.

# **AMENDMENTS**

Commerce

February 22, 2022

2022-0770s

08/04

## Amendment to SB 212-FN

Amend RSA 178:6, IV(b) as inserted by section 1 of the bill by replacing it with the following:

***(b) A liquor manufacturer may offer food and nonalcoholic beverages on premises. A liquor manufacturer that offers food on premises may provide to visitors of legal drinking age at its facility in any area approved by the commission, either free or for a fee, liquor produced on premises by the liquor manufacturer which shall be limited to 1/2 ounce per label and one cocktail per person with no more than 1 1/2 ounces of liquor produced by the liquor manufacturer per cocktail, or 2 cocktails per person with no more than 1 1/2 ounces of liquor produced by the liquor manufacturer per cocktail. For the purpose of this subparagraph, food and non-alcoholic beverages may be provided by a properly licensed third-party food vendor, prepared on or off the premises.***

Senate Judiciary

February 22, 2022

2022-0792s

04/10

## Amendment to SB 302-FN

Amend the bill by replacing all after the enacting clause with the following:

1 New Chapter; Personal Privacy Protection Act. Amend RSA by inserting after chapter 91-B the following new chapter:

### CHAPTER 91-C

#### PERSONAL PRIVACY PROTECTION ACT

##### 91-C:1 Public Bodies Prohibited Disclosures.

I. Public agencies and public bodies shall not disclose or release any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code.

II. Notwithstanding any law and subject to paragraph III, a public agency or public body shall not:

(a) Require any individual or entity exempt from federal income tax under section 501(c) of the Internal Revenue Code to provide the public agency with, or otherwise compel the release of, any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code;

(b) Release, publicize, or otherwise publicly disclose any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code already in possession of the public agency or public body; or

(c) Request or require a current or prospective contractor or grantee to provide the public agency or public body with a list of entities exempt from federal income tax under section 501(c) of the Internal Revenue Code to which it has provided financial or nonfinancial support.

(d) Release, publicize, or otherwise publicly disclose any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code for the purposes of responding to a request under New Hampshire's freedom of information act as outlined in RSA 91-A.

91-C:2 Exemptions. This section shall not preclude:

I. Any report or disclosure required by the following laws or successor provisions thereto:

(a) RSA 14-C relative to gifts for legislators and legislative employees;

(b) RSA 15 relative to lobbyists;

(c) RSA 15-A relative to financial disclosures; and

(d) RSA 664 relative to political expenditures and contributions.

II. A public body or agency from releasing a person's status as a member, volunteer, or donor of any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code that was voluntarily released by the person during meetings open to the public.

III. Any lawful warrant for any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code issued by a court of competent jurisdiction;

IV. A lawful request for discovery of any list, record, register, registry, roll, roster or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code in litigation if both of the following conditions are met:

(a) The requestor demonstrates a compelling need for any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code by clear and convincing evidence; and

(b) The requestor obtains a protective order barring disclosure of any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of financial or nonfinancial support, to any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code to any person not named in the litigation.

V. Admission of any list, record, register, registry, roll, roster, or other compilation of data of any kind that directly or indirectly identifies a person as a member, supporter, volunteer, or donor of any entity exempt from federal income tax under section 501(c) of the Internal Revenue Code as relevant evidence before a court of competent jurisdiction. Any filing in court that is subject to this section shall be filed under seal by the offering party. Any party who intends to display or produce any record that is subject to this section in a courtroom during a hearing or trial shall notify the court to allow for the courtroom to be cleared prior to discussion or display of the record. No court shall publicly reveal such information that has been filed in accordance with this paragraph absent a specific finding of good cause.

91-C:3 Limited Applicability.

I. Nothing in this chapter shall apply to a national securities association, as defined in section 15A of the Securities Exchange Act of 1934, 15 U.S.C. Section 78o-3, as amended, or regulations adopted thereunder, and any information such national securities association provides to the relevant public agency or body of this state pursuant to the rules and regulations provided by such agency or body.

II. The following activities by the attorney general pursuant to RSA 7:19 through RSA 7:32-a shall be specifically allowed:

(a) A request by the attorney general of a list of the members of the governing board of a charitable trust in reports required under RSA 7:28, II;

(b) A request by the attorney general for information required for an audit, examination, or investigation pursuant to RSA 7:24, provided that such information shall only be used in connection with the specific audit, examination, or investigation to which the request relates and for any related proceedings, provided further that any information so collected shall otherwise remain subject to the provisions of this chapter; and

(c) The voluntary release of information related to volunteers or donors by a charitable trust to the attorney general or to the public.

91-C:4 Penalties.

I. A person alleging a violation of this chapter may bring a civil action for appropriate injunctive relief, damages, or both. Damages awarded under this section may include one of the following, as appropriate:

(a) A sum of money not less than \$2,500 to compensate for injury or loss caused by each violation of this chapter; or

(b) For an intentional violation of this chapter, a sum of money not to exceed \$7,500.

II. A court, in rendering a judgment in the action brought under this chapter, may award all or a portion of the costs of litigation, including reasonable attorneys and witness fees, to the complainant in the action if the court determines that the award is appropriate.

III. A person who knowingly violates this chapter shall be guilty of a misdemeanor punishable by imprisonment for not more than 90 days, a fine of not more than \$1,000, or both.

2 Effective Date. This act shall take effect January 1, 2023.

Senate Judiciary  
February 22, 2022  
2022-0790s  
04/05

Amendment to SB 303-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to the reimbursement of sheriffs offices for prisoner custody and control and relative to the employment classification of certain state police officials.

Amend the bill by replacing all after section 1 with the following:

2 The State Police; Ranks and Qualifications. Amend RSA 106-B:4 to read as follows:

106-B:4 Ranks and Qualifications; Establishment.

**I.** The director of state police shall hold the rank of colonel. Within the division of state police there shall be not less than one major, 2 field officers with the rank of captain, 7 troop commanders with the rank of lieutenant, and 7 assistant troop commanders with the rank of sergeant. Every police employee shall have had not less than 2 years' service within the division to become eligible for promotion of any type except from probationary status to trooper. No member of the division shall be eligible for promotion in any event unless his or her record is free from the commission of any major infraction of divisional discipline within the last 7 consecutive years of such service. In addition to the foregoing, the personnel commission, with the advice of the director, shall establish suitable classification for additional grades, positions and ranks and for each classification shall fix standards of health, education, training and experience, as well as the conduct and manner of taking of competitive examinations for promotion within the division.

**II. The colonel of the New Hampshire state police shall not be a classified state employee. Notwithstanding any provision of law to the contrary, the colonel of the New Hampshire state police shall be compensated pursuant to the salary range set forth in RSA 94:1-a at labor grade KK.**

**III.(a) The executive major of the New Hampshire state police shall be a classified employee who is not represented by an exclusive representative for purposes of collective bargaining. Notwithstanding any provision of law to the contrary, the executive major of the New Hampshire state police shall be compensated on the same wage scale as his or her closest subordinate officers (Scale S416E). The executive major shall be placed on a labor grade which is no less than 2 labor grades greater than the rank of major. The executive major shall be placed at labor grade 35, subject to adjustment.**

**(b) A state police major shall be a classified employee who is not represented by an exclusive representative for the purposes of collective bargaining. Notwithstanding any provision of law to the contrary, a major of the New Hampshire state police shall be compensated on the same wage scale as his or her closest subordinate officers (Scale S416E). A major shall be placed on a labor grade which is no less than 2 labor grades higher than the rank of captain. A major shall be placed at labor grade 33, subject to adjustment.**

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

2022-0790s

#### AMENDED ANALYSIS

This bill requires the judicial branch to reimburse the sheriff's office at the rate provided in the collective bargaining agreement applicable to per diem court security officers for court security and prisoner custody and control. The bill also revises the labor grade and employment classification for the colonel, executive major, and majors of the state police.

Energy and Natural Resources  
February 22, 2022  
2022-0789s  
08/05

#### Amendment to SB 367

Amend the bill by deleting section 7 and renumbering the original sections 8-11 to read as 7-10, respectively.

Amend RSA 149-M:62, I as inserted by section 9 of the bill by replacing it with the following:

I. The department shall regulate advanced recycling facilities as manufacturing facilities. An advanced recycling facility and the products and by-products of advanced recycling shall be subject to applicable statutes and departmental rules relative to air, water, waste and land use. The department may enter and inspect any advanced recycling facility to determine whether storage of materials prior to advanced recycling is a nuisance or poses a threat to the environment. The department may utilize its enforcement authorities under RSA 149-M:15 to require abatement of the nuisance or threat if found.

Senate Judiciary  
February 22, 2022  
2022-0796s  
05/04

#### Amendment to SB 392

Amend the title of the bill by replacing it with the following:

AN ACT establishing a commission to study insanity and restoration of competency.

Amend the bill by replacing all after the enacting clause with the following:

1 Statement of Findings and Purpose. The general court finds that:

I. Individuals with severe mental illness are at increased risk of interacting with the probate court on civil commitments as well as with the criminal justice system in 3 important areas: insanity, trial competency, and competency restoration. Current New Hampshire statutes for insanity and competency have not evolved with changing trends in the frequency of these types of orders or the improvements in mental health treatment.

II. As is evidenced by the number of individuals ordered for competency evaluations, the need for these evaluations has increased substantially over the last 5 years, with some state jurisdictions reporting 70 to 100 percent increases. Accordingly, New Hampshire experienced a 75 percent increase in the number of competency orders since 2015. In 2019, there was an average of 66 court orders for trial competency evaluations each month. With increases of the numbers of competency evaluations, there are more individuals court ordered for competency restoration. An individual ordered into competency restoration is expected to improve and return to court to face their charges upon restoration of his or her competency. Analysis of 56 published studies from 1975 to 2013 showed that nationwide, 81 percent of individuals ordered to inpatient competency restoration treatment were able to return to court.

III. In New Hampshire, there is no formal, existing system to provide treatment for individuals found incompetent. In stark contrast to these national numbers, fewer than half of the individuals ordered into a competency restoration period are able to return to court and complete their criminal case. Specifically, in 2019 only 44 percent of individuals were found to have his or her competency restored.

IV. The current statutory definition of insanity in New Hampshire, originating in 1871, is outdated and not in keeping with today's standards of the dignity afforded to people with mental illness. The 43 state jurisdictions in which the insanity defense is available commit acquitted individuals to a state hospital and or forensic psychiatric hospital for mental health treatment, under the care and supervision of the department of health or human services or similar entity.

V. Numerous state jurisdictions have sought to reform their respective competency restoration system. The Council of State Governments and the National Center for State Courts have published useful guidance for state-level improvements. New Hampshire is currently planning to build a new forensic hospital. Creation of a study commission will allow informed stakeholders to review the existing statutes, examine the current competency, restoration, and sanity needs of New Hampshire, and utilize national resources to develop needed improvements.

2 New Subdivision; New Hampshire Hospital and Insane Persons; Commission to Study Insanity and Restoration of Competency; Established. Amend RSA 135 by inserting after section 48 the following new subdivision:

Commission to Study Insanity and Restoration of Competency

135:49 Commission to Study Insanity and Restoration of Competency; Established. There is hereby established a commission to study insanity and restoration of competency.

I. The members of the commission shall be as follows:

(a) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the health, human services and elderly affairs committee, and one of whom shall be a member of the judiciary committee. At least one of the 3 house members shall be a member of the minority party.

(b) One member of the senate, appointed by the president of the senate.

(c) The commissioner of the department of health and human services, or designee.

(d) The commissioner of the department of corrections, or designee.

(e) The chief executive officer of the New Hampshire Hospital, or designee.

(f) The chief medical officer of the New Hampshire Hospital, or designee.

(g) The director of the division for behavioral health, department of health and human services, or designee.

(h) Two representatives from the department of justice, one from the criminal bureau and one from the civil bureau, appointed by the attorney general.

(i) A representative from the New Hampshire Association of Chiefs of Police, appointed by the association.

(j) A defense attorney, appointed by the New Hampshire Public Defender.

(k) A private defense attorney, appointed by the New Hampshire Bar Association.

(l) A county attorney, appointed by the New Hampshire Association of Counties.



(m) A superintendent of a county correctional facility, appointed by the New Hampshire Association of Counties.

(n) A representative from a community mental health centers, appointed by the New Hampshire Community Behavioral Health Association.

(o) A member of the judiciary, appointed by the judicial branch.

(p) A representative from National Alliance on Mental Illness of New Hampshire (NAMI-NH), appointed by the alliance.

(q) A representative from the Disability Rights Center, appointed by the center.

(r) A representative from the New Hampshire Psychiatric Society, appointed by the society.

II. Legislative members of the commission shall receive mileage at the legislative rate when attending to the duties of the commission.

III. The commission shall study:

(a) The statutory definition of insane or insane person and shall revise the definitions based on current practices and standards.

(b) Organizational and statutory alignment of insanity-acquitted individuals to align with the development of the forensic hospital.

(c) Best practice for inpatient and outpatient insanity-acquitted individuals.

(d) Quality improvement elements for insanity-acquitted individuals.

(e) Methods to streamline and improve the system of care for individuals with severe mental illness who have been deemed incompetent to stand trial.

(f) Restoration of competency and to develop a plan for a comprehensive restoration program for those individuals deemed not competent but restorable. The plan would include:

(1) Review of organizational alignment of the office of forensic examiners;

(2) Best practices for inpatient and outpatient competency restoration;

(3) Improvement of current judicial review process;

(4) Identify a central repository and management entity for the competency restoration process;

(5) Quality improvement elements for competency restoration; and

(6) Review of incorporating juvenile competency.

IV. Commission members shall be appointed within 30 days after the effective date of this section.

V. The members of the study commission shall elect a chairperson from among the members. The first meeting of the commission shall be called by the senate member. The first meeting of the commission shall be held within 45 days of the effective date of this section. The commission shall hold a minimum of 10 meetings over the course of its study. A majority of the members of the commission shall constitute a quorum.

VI. The commission shall submit an interim report of its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2022. The commission shall submit a final report of its findings and any recommendations for proposed legislation to the speaker of the house of representatives, the president of the senate, the house clerk, the senate clerk, the governor, and the state library on or before November 1, 2023.

3 Repeal. RSA 135:49 and the subdivision heading preceding RSA 135:49, relative to the commission to study the statutory definition of insane or insane person and restoration of competency, are repealed.

4 Effective Date.

I. Section 3 of this act shall take effect November 1, 2023.

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

2022-0796s

## AMENDED ANALYSIS

This bill establishes a commission to study insanity and restoration of competency.

Senate Finance  
February 22, 2022  
2022-0801s  
05/04

## Amendment to SB 407-FN

Amend the bill by replacing section 3 with the following:

3 Appropriation. The sum of \$200,000 for the biennium ending June 30, 2023 is hereby appropriated to the department of health and human services for the purpose of expanding postpartum health care services under the state Medicaid plan as provided in section 2 of this act. The governor shall determine if any discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, or any other federal funds, can be used for this purpose, and the commissioner shall expend such federal funds for this purpose. Any remainder shall be appropriated from the general fund. The governor is authorized to draw a warrant for the general fund portion of such sum from any money in the treasury not otherwise appropriated.

Senate Finance  
February 22, 2022  
2022-0804s  
05/10

## Amendment to SB 422-FN

Amend RSA 126-A:5, XIX-a as inserted by section 2 of the bill by inserting after subparagraph (b) the following and renumbering the original subparagraph (c) to read as subparagraph (d):

(c) The individual benefit shall be capped at \$1,500 per year, excluding preventive services.

Energy and Natural Resources  
February 22, 2022  
2022-0786s  
12/04

## Amendment to SB 424-FN

Amend the bill by replacing section 1 with the following:

1 Legislative Findings and Purpose.

I. The general court finds that:

(a) Renewable natural gas can provide benefits to gas utility customers and to the public, by offsetting or reducing naturally-occurring emissions and waste streams, including offsetting conventional natural gas use.

(b) The development of renewable natural gas resources is consistent with and supports the objectives of the New Hampshire energy policy as stated in RSA 378:37.

(c) The purpose of this act is to encourage the procurement of renewable natural gas and investment in renewable natural gas infrastructure by gas utilities, provided that the public utilities commission finds utility proposals to be in the public interest.

II. The general court therefore declares that:

(a) Gas utilities may procure renewable natural gas and invest in renewable natural gas infrastructure.

(b) Any regulation of the procurement of renewable natural gas and investments in renewable natural gas infrastructure should be consistent with the purposes of this act.

(c) The commission may approve recovery of prudently incurred costs related to procuring renewable natural gas and recovery of and return on qualified investments in renewable natural gas infrastructure by a gas utility.

Amend RSA 362-I:1, II as inserted by section 2 of the bill by replacing it with the following:

II. “Biomass gasification” is a technology that uses a controlled process involving heat, steam, and oxygen to convert biomass fuels, as defined in RSA 362-F:2, II, to hydrogen and other products, including methane, without combustion.

Amend RSA 362-I:1, XII as inserted by section 2 of the bill by replacing it with the following:

XII. “Renewable natural gas infrastructure” means equipment and facilities necessary to receive and inject renewable natural gas into the pipeline distribution system by a gas utility.

Amend RSA 362-I:2 as inserted by section 2 of the bill by replacing it with the following:

362-I:2 Procurement of Renewable Natural Gas and Investment in Renewable Natural Gas Infrastructure by Gas Utilities.

I. The commission may approve, upon the filing of a petition by a gas utility, recovery of costs related to prudent utility procurement of renewable natural gas and any qualified investment, including the use of an associated cost recovery mechanism, if the commission determines that it is in the public interest to do so after notice and hearing pursuant to RSA 541-A.

II. Determination of the public interest under paragraph I shall include consideration of, and each utility filing pursuant to this chapter shall include a detailed description of, the following:

(a) The monetary benefits of the proposal to the utility customers and the state, such as the value of any environmental attributes or carbon offsets, relative to the incremental cost to gas utility customers necessary to achieve those benefits.

(b) The extent to which the proposal advances the objectives of the energy policy of the state under RSA 378:37, the state’s 10-year energy strategy, or other state policy, including enhancing consumer choice and improving gas system resiliency through diversification of supply options.

III. All utilities that elect to purchase renewable natural gas shall conduct a competitive bidding process through requests for proposals (RFPs) for renewable natural gas supply and shall consult with the department of energy on all issues related to RFPs.

IV. In any given year, renewable natural gas shall not exceed 5 percent of a gas utility’s total gas volume delivered. Unless approved by the department of energy, renewable natural gas contracts shall not exceed 15 years.

V. The department of energy, in consultation with the utilities, shall study each utility’s renewable natural gas contracts. Said study shall begin within 3 years of the effective date of this chapter. The study shall include, but not be limited to market terms, price, conditions, availability, service quality, economic benefits to participating and non-participating customers, and job creation as a result from the utility’s use of renewable natural gas. The department of energy shall generate and deliver a report on their findings to the speaker of the house of representatives, the senate president, the house clerk, the senate clerk, and the public utilities commission. The cost of this study shall be funded by a special assessment upon the utility or utilities purchasing renewable natural gas and the commission shall approve the utilities’ recovery of costs related to said study.

VI. Nothing in this chapter shall require a gas utility to initiate a proceeding with the commission pursuant to this chapter, and nothing in this chapter shall relieve the utility from demonstrating the prudence of contracts entered into prior to cost recovery from customers in permanent rates.

Energy and Natural Resources

February 22, 2022

2022-0793s

08/10

Amendment to SB 452-FN

Amend the bill by replacing all after the enacting clause with the following:

1 Lead in Drinking Water in Schools and Licensed Child Care Facilities. RSA 485:17-a is repealed and reenacted to read as follows:

485:17-a Lead in Drinking Water in Schools and Licensed Child Care Facilities.

I. Between January 1, 2016 and June 30, 2024, public and private schools and licensed child care facilities shall test a minimum of 3 rounds for the presence of lead in drinking water at all outlets at the school or facility. For purposes of this section, “outlet” means a drinking water fixture currently or reasonably expected to be used for consumption or cooking. Testing shall be in accordance with guidance from the department of environmental services. Schools and licensed child care facilities that have not tested their outlets between January 1, 2016 and the effective date of this paragraph shall initiate testing within 30 days of the effective date of this paragraph.

II. If test results obtained by a school or licensed child care center after the effective date of this paragraph demonstrate the presence of lead at a concentration that exceeds 5 parts per billion, the school or licensed child care facility shall, within 5 business days, notify parents and guardians and shall, as an interim measure, ensure that the children are provided only drinking water that meets the standard. The school or licensed child care facility shall also implement a remediation plan, as approved by the department, within 180 days of notification of parents or, in consultation with the department, as soon as practicable. The department shall review the plan and any associated submittals within 60 days of receiving them. The school or licensed child care facility shall conduct testing after remediation measures have been implemented and shall provide those results to the department of environmental services to demonstrate that lead levels do not exceed the standard.

III. Within 30 days of the effective date of this section, public and private schools and licensed child care facilities shall compare the results of testing conducted after January 1, 2022 with the 5 parts per billion standard and, in the event any such results exceed this standard, proceed with the requirements of paragraph II relative to notice, remediation, and interim measures.

IV. If 2 consecutive rounds of sampling performed after January 1, 2022 are below the 5 parts per billion standard at an outlet, further testing of the outlet shall not be required.

V. All test results, including but not limited to those obtained between January 1, 2016 and the effective date of this section, shall be provided to the department of environmental services, which shall maintain a database of results accessible to the public on the department’s website.

VI. To the extent it is allowable under federal regulations, remediation funding from federal sources shall be made available to licensed child care facilities by the department of environmental services.

2 Effective Date. This act shall take effect upon its passage.