

January 12, 2023
No. 6A

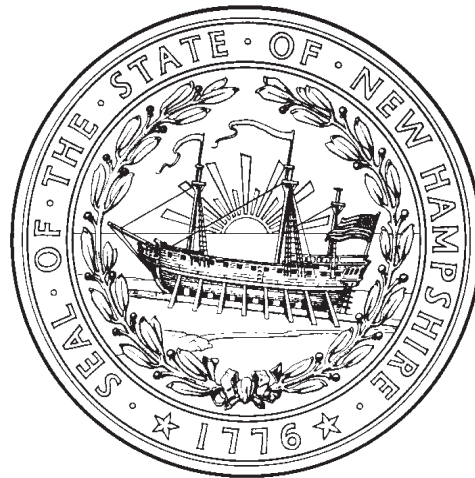
STATE OF NEW HAMPSHIRE

Website Address: <http://gencourt.state.nh.us>

Senate Meeting Schedule Website Address:
<http://gencourt.state.nh.us/senate/schedule/dailyschedule.aspx>

All Standing Committee hearings will be livestreamed on the NH Senate's YouTube channel:
<https://www.youtube.com/NewHampshireSenateLivestream>

Links are also available on the Senate Meeting Schedule.



First Year of the 168th Session of the
New Hampshire General Court

SENATE CALENDAR ADDENDUM

**THE SENATE WILL MEET IN SESSION ON THURSDAY,
JANUARY 19, 2023 AT 10:00 A.M. IN THE SENATE CHAMBER**

The Senate Session on Thursday, January 19, 2023, in the Senate Chamber will be
live streamed at the following link:

<https://youtu.be/IySScgmIgP4>

Please note, this link will not be live until the Senate Session on
Thursday, January 19, 2023 at 10:00 A.M.

CONSENT CALENDAR REPORTS

ELECTION LAW AND MUNICIPAL AFFAIRS

SB 47, establishing a commission to study barriers to increased density of residential development in New Hampshire.

Ought to Pass with Amendment, Vote 5-0.

Senator Perkins Kwoka for the committee.

This bill will establish a commission to study barriers to increased density of residential development in New Hampshire. It will be the continuation of a prior commission that was unable to finish important studies due to the COVID pandemic. Much of the work done by this Commission is needed to address the housing crisis in New Hampshire and promote expansion of residential housing all across the state.

ENERGY AND NATURAL RESOURCES

SB 12, relative to the leasing of seasonal camp lots by the fish and game department.

Ought to Pass, Vote 5-0.

Senator Watters for the committee.

SB 12 amends the current statute to allow the executive director of Fish and Game to execute leases and contracts for short-term use buildings or lands owned by the department. These leases or contracts will be for a period of 5 years or an annual consideration of more than \$5,000 which will be approved by the governor and council prior to being effective. This new revision will allow Fish and Game to enter into contracts that similar Departments like DOT are already allowed to take part in.

SB 40, relative to participation in net energy metering by small hydroelectric generators.

Ought to Pass with Amendment, Vote 5-0.

Senator Avar for the committee.

SB 40 establishes certain requirements for small hydroelectric generators to be able to participate in net energy metering. Small hydroelectric generators who meet the following requirements will be able to participate in net energy metering; any hydroelectric generators that were operational prior to July 1, 2021, whose peak generating capacity is below 5 megawatts, and shares equipment or facilities with other generators, energy storage facilities, or electric utility customers for interconnection to the electric grid. This bill will allow two small hydroelectric generators who currently power two papermills to participate in net energy metering, keeping New Hampshire energy in New Hampshire and lessen the burden of rising energy costs on Granite Staters.

REGULAR CALENDAR REPORTS

JUDICIARY

SB 1-FN-A, relative to the Sununu youth services center.

Ought to Pass with Amendment, Vote 3-1.

Senator Carson for the committee.

SB 43, relative to a needs assessment for juvenile minors who are residents of New Hampshire.

Ought to Pass, Vote 4-0.

Senator Carson for the committee.

SB 59, relative to the director of charitable trusts.

Ought to Pass, Vote 4-0.

Senator Chandley for the committee.

AMENDMENTS

Senate Judiciary
January 17, 2023
2023-0055s
04/05

Amendment to SB 1-FN-A

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

1 Statement of Findings. The general court finds that:

I. Placement in corrections settings can be harmful to children and lead to increased delinquency and adult criminal behavior. It should therefore be reserved for those circumstances in which the safety of a child or of the community requires such confinement.

II. Placement of children who are not serious violent offenders in settings other than the Sununu youth services center (SYSC) complies with The Families First Act, P.L. 115-123, and the New Hampshire system of care established pursuant to 2019; 44 (SB 14), which prioritize community-based treatment of children.

III. This act is in furtherance of these goals.

2 Department of Health and Human Services; Sununu Youth Services Center; Construction and Operation of a Replacement Secure Facility.

I. The department of health and human services shall be responsible to construct a secured treatment facility that has a maximum physical capacity of 18 beds with an operational plan to support 12 beds to replace the current Sununu youth services center (SYSC). The department shall consult with the community selected for the location and operation of any new facility, as well as any municipality bordering the selected community. The department shall, to the extent practicable, implement any reasonable requests by the communities to ensure the safe operation of the facility, implement a payment in lieu of taxes arrangement to prevent the shifting of costs to local taxpayers, and ensure co-operation with the prospective community. The facility shall not be administered by any non-governmental entity. The facility shall be administered by the department of health and human services with support and shared services contracts as appropriate. The facility shall be designed to meet the unique needs of youth who are at the facility pursuant to RSA 169-B:14, detention; RSA 169-B:19, commitment; RSA 169-B:24, transfer to superior court; RSA 169-B:32 or RSA 651:17-a, service of adult sentence of incarceration at the youth development center; and RSA 169-A, the interstate compact on juveniles. Upon opening, the facility shall be referred to as the youth development center (YDC) as identified in RSA 169-B and RSA 621. The facility shall have the capability for alternative flexible use when the census so permits.

II. The department of health and human services, in collaboration with the department of administrative services, shall issue a request to procure a qualified architect on or before March 1, 2023, and shall collaborate to issue a request to procure a contractor to build the resulting construction project, and complete the project on or before November 1, 2024. The SYSC shall immediately be closed for detention, or admission of any child when the secured treatment facility authorized by this chapter is sufficiently completed that children can be legally and safely housed there.

III. The facility shall be designed to include:

(a) A physical design that complements therapeutic and trauma-informed care of children, including a home-like interior and exterior to the maximum extent practicable.

(b) Staff visibility and proximity to children, including administrative offices built within the secured facility in proximity to children and staff, to the maximum extent practicable.

(c) Capacity to provide services to meet the medical, physical, and behavioral health needs of all potentially eligible residents if appropriate for the child.

(d) Space for no more than 18 beds, including space with flexibility to meet the need for safety and security, crisis stabilization, admissions, and discharges for all children. The operational support plan shall anticipate 12 residents.

(e) Adequate space to meet the educational needs of all children including children with special education needs, while using virtual educational support services if appropriate for the child.

(f) Adequate space for indoor and outdoor recreation.

(g) Capacity to meet the nutritional needs of all children.

(h) Necessary elements to be architecturally secure and equipped with video surveillance in compliance with RSA 169-B:15-c.

(i) Operations may utilize virtual and shared services.

IV. The facility programming and operations shall include:

(a) The development of staff qualifications and standard job descriptions comprising required licensing or skill attainment. Staff qualifications shall be designed to ensure the provision of treatment to children with behavioral health challenges exacerbated by considerable trauma histories. Job description requirements, where appropriate shall include self and group protection, training in therapeutic approaches to address challenging behaviors, including the use of de-escalation techniques.

(b) Use of evidence-based practices, as defined in RSA 170-G:1, V-a, selected to match the needs of the population served at the facility.

(c) Utilization of the uniform assessment, as specified in RSA 170-G:4-e, for all detained and committed youth to understand treatment needs and determine if a different level of care is indicated to meet the youth's needs, and where problem behavior appears patterned, a functional behavior analysis to inform effective behavioral interventions.

(d) Provision of care management services by a care management entity, as established in RSA 135-F:4, to begin immediate wraparound support upon admission to plan for discharge.

(e) Provision of frequent visitation opportunities with family, opportunities to include family in appropriate activities and daily access to family through telephonic or video conferencing.

(f) Provision of educational programing and staffing that meets the individualized educational needs of each child, including children with special education needs, creates meaningful educator-child pairings, maintains connections with sending school districts, and which includes availability of Hi-SET preparation and testing as appropriate. Virtual educational opportunities shall be leveraged appropriately to help meet the residents' needs.

(g) Integration of clinical sessions and recreational large muscle movement activities throughout the day.

(h) Access by the office of the child advocate, in real-time, as established in RSA 21-V:4, II, to the electronic case management system used by the facility, regular access to youth placed in the facility under RSA 21-V:4, III, and video surveillance and general access to the facility pursuant to RSA 21-V:2, VII.

(i) Provision of adequate security to maintain the safety of staff and residents as well as the safety of the surrounding community and the general public.

(j) Training that emphasizes the treatment of youth with behavioral health challenges using approaches that include the employment of de-escalation techniques and that recognizes the risk that children may have considerable trauma histories, and that is otherwise applicable to the facility.

(k) Procedures for supporting children in the community with flexible assignments based upon census changes.

V. The department of health and human services shall begin to implement the programming changes in subparagraphs IV(a) through (k) without regard to whether children are at the SYSC or the new facility as soon as reasonably practicable.

VI. The department of health and human services shall submit quarterly progress reports to the joint legislative oversight committee on health and human services, established by RSA 126-A:13, and to the office of the child advocate established under RSA 21-V beginning no later than 60 days after the passage of this act, until such time as the facility is operational. Each quarterly report shall include a statement indicating whether the reported progress is sufficient to meet the November 1, 2024 deadline for the opening of the facility. In the event that sufficient progress to meet this deadline has not been made, the progress report shall include the reasons for any projected delay in meeting the November 1, 2024 deadline, a description of the efforts being undertaken to minimize any delay in the development and opening of the facility and projected completion date. In addition, the quarterly progress reports shall include the following information:

- (a) Progress towards retaining an architectural consultant to design the plan for the facility;
- (b) Progress towards completion of the design for the facility;
- (c) Progress towards contracting with the company that will construct the replacement facility;
- (d) The anticipated date construction of the replacement facility will be completed; and
- (e) The anticipated date by which the replacement facility will be operational.

VII. The governor, with the approval of the fiscal committee of the general court, may delay the November 1, 2024 project completion date under paragraph II for construction delays or other unforeseen circumstances provided any such delay be no more than one year.

3 Possession and Relinquishment of the Sununu Youth Services Center (SYSC). As of the date of the opening of the youth development center set forth in section 2 of this act, the department of administrative services shall take possession of the entire property currently housing the SYSC on South River Road in Manchester, New Hampshire. The department shall relinquish the property and any revenues received shall be deposited in the general fund. The department shall consult with the city of Manchester, the New Hampshire department of business and economic affairs, and other organizations, as appropriate, prior to any sale of the property. In relinquishing the property, the return of the property to an entity that will enhance the tax and business tax rolls of the city of Manchester and the state of New Hampshire shall be a high priority. Any relinquishment of the SYSC shall be approved by the governor and council.

4 Appropriation; Construction and Operation of a Replacement Secure Facility. The sum of \$15,000,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the department of health and human services for the design and construction of the new secured youth development facility, as described in section 2 of this act. Such funds shall be nonlapsing and continually appropriated to the department for the purposes of this act. Of this amount, the governor shall determine if any remaining 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 any remainder shall be general funds. The governor is authorized to draw a warrant for the general fund share of said sum out of any money in the treasury not otherwise appropriated.

5 Repeal. 2021, 91:329 and 91:330, relative to provisions for the closure date of the Sununu youth services center, are repealed.

6 Effective Date.

I. Section 5 of this act shall take effect February 28, 2023.

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

Energy and Natural Resources

January 17, 2023

2023-0058s

10/07

Amendment to SB 40

Amend the bill by replacing section 1 with the following:

1 Limited Electrical Energy Producers; Net Metering; Small Hydroelectric Generators. Amend RSA 362-A:9, XX to read as follows:

XX. *Notwithstanding any provision of law to the contrary*, a hydroelectric generator with a total peak generating capacity that is at or below the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b and that first became operational before July 1, 2021 and that shares equipment or facilities with other generators, ***energy storage facilities***, or electric utility customers for interconnection to the electric grid, shall be eligible to participate in net energy metering as a customer-generator even if the aggregate capacity of the generators ***and energy storage facilities*** sharing equipment or facilities for interconnection to the electric grid exceeds the capacity eligibility requirements set forth in RSA 362-A:1-a, II-b. Such a hydroelectric generator shall be eligible to participate in net energy metering as a customer-generator based on its individual total peak generating capacity ***and only such a hydroelectric generator shall be eligible as a customer-generator as a matter of law without regard to whether such hydroelectric generator is the electric utility customer account of record at the point of interconnection to the electric grid. A hydroelectric generator eligible***

under this paragraph may, in reliance on revenue-grade meters, utilize a meter reading and billing determinant documentation process consistent with the Puc 900 rules and all applicable tariffs, to determine generation eligible for net energy metering credits. The hydroelectric generator shall submit the proposed process to the department of energy and the relevant utility for approval prior to participating in net metering, which shall include a description of the methodology for reading the meter and documenting the data, including all necessary billing determinants that will be provided to the utility. Both the department of energy and the utility shall endeavor to review the methodology as expeditiously as possible. If either the department of energy or the utility rejects the proposed process, such rejection shall be adequately specific so that the hydroelectric generator may make the changes necessary to receive approval. Upon approval of the process, the hydroelectric generator shall assume liability for monthly meter reads and providing all requisite billing determinants and other necessary data to the utility for billing purposes, including issuing net metering credits. The utility shall bill according to the information received from the hydroelectric generator, but shall not be liable for the accuracy of meter reads or the ongoing maintenance and performance of the meter. The hydroelectric generator getting billed and receiving credits pursuant to this provision shall be subject to periodic audits of the documentation and records associated with the meter reading process to ensure compliance with all statutes, rules and tariffs. Audits will be conducted on an as-needed basis, but no more frequently than annually, which shall be determined and authorized by the department of energy, and conducted by the utility. The hydroelectric generator shall be responsible for all meter costs, including those for ongoing operation and maintenance, as well as all audit costs. The utility shall recover the incremental costs for this manual billing process, as well as all net metering credits issued pursuant to this provision from all utility customers. Nothing in this provision shall be deemed to approve or allow the participation of energy storage facilities in net energy metering unless otherwise approved or allowed by law or an order or decision issued or rule adopted by the department of energy or the public utilities commission.

Election Law and Municipal Affairs
January 17, 2023
2023-0056s
10/05

Amendment to SB 47

Amend RSA 12-O:58-a, I as inserted by section 1 of the bill by replacing it with the following:

I. There is established a commission to study barriers to increased density of residential development in New Hampshire. The membership of the commission shall be as follows:

(a) Two members of the senate, one of whom shall serve on the election law and municipal affairs committee and one of whom shall serve on the energy and natural resources committee, appointed by the senate president.

(b) Six members of the house of representatives, 2 of whom shall serve on the municipal and county government committee and 2 of whom shall serve on the environment and agriculture committee, appointed by the speaker of the house of representatives.

(c) The commissioner of the department of business and economic affairs, or designee.

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

(e) The executive director of the New Hampshire housing finance authority, or designee.

(f) One representative of the New Hampshire Municipal Association, appointed by the association.

(g) Two persons to represent builder, realtor, and business interests, chosen jointly by the New Hampshire Home Builders Association, the New Hampshire Association of Realtors, and the New Hampshire Business and Industry Association.

(h) One person to represent planning interests, chosen jointly by the New Hampshire Planners Association and the New Hampshire Association of Regional Planning Commissions.

(i) One person to represent conservation interests, chosen jointly by the Society for the Protection of New Hampshire Forests, the Nature Conservancy, and the New Hampshire Association of Conservation Commissions.

NOTICE

THURSDAY, JANUARY 19, 2023

Please join the New Hampshire MomsCaucus on Thursday, January 19th at 6:30 p.m. via Zoom for our first convening. The MomsCaucus is a nonpartisan alliance of mom elected officials and allies who provide support to one another and who are dedicated to improving the lives of all Granite State moms, to breaking down barriers in public service, and to achieving equality in all aspects of a mother's life. We have come together to make public office, public spaces, and public policy more mama-friendly. We know that it's near bedtime - so stay as long as you can and come as you are - and bring your favorite beverage! We are hoping that building and growing the MomsCaucus will be a collaborative effort - and we would be honored to have your membership and thought partnership. All are welcome! Email mackenzie@momsrising.org for details.

Senator Rebecca Whitley
Senator Rebecca Perkins Kwoka