

# Senate Energy and Natural Resources Committee

*Nikolas Liamos 271-7875*

**HB 534-FN-A**, relative to water assistance for natural disasters.

**Hearing Date:** April 25, 2023

**Time Opened:** 9:18 a.m.

**Time Closed:** 9:37 a.m.

**Members of the Committee Present:** Senators Pearl, Birdsell, Watters and Altschiller

**Members of the Committee Absent :** Senator Avar

**Bill Analysis:** This bill creates a water assistance fund to be used to repair and replace drinking water treatment sources damaged by natural disasters. The bill also makes an appropriation to the fund.

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**Sponsors:**

Rep. B. Boyd

Rep. Petrigno

Rep. L. Gould

Rep. Hakken-Phillips

Sen. Rosenwald

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**Who supports the bill:** Barbara Liscord, Maureen Ellerman, Susan Wessels, Kathy Sue Spielman, Deborah Klein Walker, Senator Cindy Rosenwald (SD 13), Phil Hatcher, Andrew Jones, Gary Devore, Sandra Blanchard, Maura Willing, Lynn Merlone, Jane Hershey, Patricia Martin, Susan Moore, Louise Spencer, Sally Hatch, Ann Rettew, Betty Lane, Gregory Davis, John Keegan, Nancy Bishop, Ruth Perencevich, Danial Wolf, Mary Hakken-Phillips, Richard DeMark, Harriet DeMark, Karen Chase, Sharon Eaton, Donna Reardon, Natch Greyes, and Robert Scott.

**Who opposes the bill:** Representative Dan McGuire (Belknap County, District 3)

**Who is neutral on the bill:** None

**Summary of testimony presented in support:**

**Senator Watters**

**Senate District 4**

- Senator Watters introduced HB 534-FN-A on behalf of the prime sponsor Representative Bill Boyd.

**Commissioner Robert Scott**

**Department of Environmental Services**

- Commissioner Scott said he would discuss the program DES had within the New Hampshire Drinking Water and Groundwater Trust Fund (DWGTF). He said DES supports the program.
- Comm. Scott said how the program is funded is a policy decision for the General Court.
- Comm. Scott said DES is fairly certain the southern part of New Hampshire is entering into its fourth year of drought. Comm. Scott said the National Drought Monitor had listed the border area between New Hampshire and Massachusetts as being on the edge of drought in April 2023.
- Comm. Scott said the program's focus is on the issues with drought. He said the program had, at the time of the hearing, provided assistance to 161 low-income homeowners. He clarified that these were private wells rather than drinking water systems.
- Comm. Scott said that, to Representative McGuire's point on the vagueness of HB 534-FN-A, DES does have criteria and a defined program in the DWGTF and would be amenable to the Committee adding clarifying language to HB 534-FN-A.
- Comm. Scott said that the intent of the program is to help out after major natural disasters. He said DES does not need a federal declaration of a natural disaster in order to act. He said there has been no federal assistance available for the well-owners supported through the program.
- Senator Pearl said Lines 12-14 of HB 534-FN-A refer to "private drinking water systems." He asked if that term includes drinking water for cattle.
  - Comm. Scott said the term only refers to human drinking water.
- Sen. Watters asked if the prospect of persistent and intensifying drought in New England means that there will be a greater need for programs like DWGTF.
  - Comm. Scott said that is correct.
- Sen. Watters said he understood from Comm. Scott's testimony that DES had the criteria and structure from the existing program to implement HB 534-FN-A. He presented three ways by which the Committee could give guidance to DES: it could require DES to undertake a rule-making process, add language to HB 534 referencing the DWGTF program's language, or write criteria into HB 534-FN-A.
  - Comm. Scott said language referencing the DWGTF program's language is preferable. He said that option was DES' goal from the beginning.
- Sen. Watters asked Comm. Scott if HB 534-FN-A should be amended to reflect that preference.
  - Comm. Scott said DES was fine with or without such an amendment.
- Senator Birdsell referenced Lines 12-14 of HB 534-FN-A and noted that Comm. Scott said that the drought in southern New Hampshire can be considered a kind of disaster. She asked how HB 534-FN-A how would help a low income family in Hampton whose well had run dry.
  - Comm. Scott said he was unsure about whether HB 534-FN-A would affect such a family. He said DES uses the National Drought Monitor to determine whether an area is experiencing a drought. He said a person is eligible for the DWGTF program if they live in a drought-stricken area and the DES can verify that their well has run dry.

- Sen. Pearl asked what level of drought a person has to be experiencing to receive support from the DWGTF program.
  - Comm. Scott said that a person does not have to be experiencing severe drought in order to receive support. He said they have to be living in a drought-stricken area and the DES must confirm that their well has run dry.

#### **Natch Greyes**

#### **New Hampshire Municipal Association**

- Mr. Greyes said the New Hampshire Municipal Association supports HB 345-FN-A. He said municipalities are often called upon to be the first-responders to climate issues, and then the Association was glad to see forward-thinking legislation being put before the Committee.

### **Summary of testimony presented in opposition:**

#### **Representative Dan McGuire**

#### **Belknap County, House District 3**

- Representative McGuire said the House Finance Committee voted HB 534-FN-A inexpedient to legislate but that the House narrowly voted to pass it.
- Rep. McGuire said HB 534-FN-A is a “legislative special”, meaning it will be funded outside of the budget unless the Senate Finance Committee votes to include HB 534-FN-A in the budget.
- Rep. McGuire said HB 534-FN-A would create a \$5 million fund to repair drinking water systems damaged by natural disasters.
- Rep. McGuire said New Hampshire is not currently in a natural disaster and that the drought is over. He said HB 534-FN-A’s fund is unnecessary and that the General Court already has \$200 million in a rainy day fund that could be used for repairs after natural disasters.
- Rep. McGuire said HB 534-FN-A suffers from a delegation of “broad rule-making authority.” He said HB 534-FN-A does not define what kind of natural disaster would trigger the release of funds or define who would receive funds. He said it grants DES the ability to cover the costs of administering the fund but does not cap the amount of money DES may spend on administration.
- Rep. McGuire asked that if the Committee passes HB 534-FN-A, they amend HB 534-FN-A to fill in the missing details.
- Senator Watters asked if it was the position of the House to support HB 534.
  - Rep. McGuire said it was.
- Sen. Watters asked Rep. McGuire whether he thought the House Finance Committee would support HB 534-FN-A if the Senate Finance Committee found a way to fund it.
  - Rep. McGuire said it was hard to speculate, but that because HB 534-FN-A would appropriate a relatively small amount of money, he thought the House Finance Committee would support it.

**Neutral Information Presented:** None

NPL

Date Hearing Report completed: May 1, 2023