

company and give them some assistance. It appears that the BFA authority a few years ago, recognized the same situation. They had their statute changed. It also appears that there may be some communities in the state that perhaps are using this or stretching the definition more than they should. So to clear this up, I would recommend, and the committee recommends passage of this bill. Thank you.

Adopted.

Ordered to third reading.

SB 376, relative to the jurisdiction of the public utilities commission to determine consequential damages. Energy and Economic Development Committee. Vote 6-0. Ought to Pass, Senator Below for the committee.

SENATOR BELOW: Senate Bill 376 concerns the situation in which a municipality chooses under our current statute, to acquire the distribution system of an existing investor of utility within the boundaries of the municipality. If they do that, according to the procedures set forth in this statute, and if they can't agree with the purchase price with the utility, then the Public Utility Commission has a procedure by which the PUC establishes the value for the taking, it would be an eminent domain type process. There is a question in regard to what is called consequential damages. Sort of second tier damages that go beyond the value of the property, which may relate to stranded invest and/or supply arrangements which exist from the utility. What this bill does is clarify our statute so that we don't have a situation of jurisdiction shopping. It changes our words that say to the extent that it drops those and replaces them with the words "in matters over which the federal energy regulatory does not have jurisdiction, the commission shall determine the consequential damages." This also relates to the federal and state law. The point of this statutory change is to make clear that either FERC has the jurisdictions or if they don't, the PUC makes its determination. Thank you.

Adopted.

Ordered to third reading.

SB 331, requiring a report from the public utilities commission and the department of environmental services evaluating whether existing regulatory structures encourage or discourage regional cooperation for water resources management and water conservation. Environment Committee. Vote 4-0. Ought to Pass, Senator Eaton for the committee.

SENATOR EATON: Feeling as an old hand now, I rise in support of SB 331. This bill directs the PUC and DES to analyze and report findings how existing regulatory structures for water utilities encourage or discourage regional cooperation for water resource management water conservation. A regional approach is recommended for the following reasons: Water supply and needs are exceeding the capacity of local public water systems. There is uncertainty regarding the adequacy of developing water supplies on a community by community basis. The cost associated with expanding or developing a regional water supply are significant, or perhaps inhibited in areas of sparse development, and the state could develop ways to more efficiently use limited resources. Senate Bill 331 directs the agencies most directly responsible for water resources to evaluate existing regulatory practices in order to identify current disincentives, if any, to regional cooperation and water conservation. The findings could then be the basis of future legislation if necessary. In addition, DES supports this legislation and believes that the proposed study will contribute to New Hampshire's

overall water strategy by identifying and ultimately eliminating regulatory barriers to regional water management and conservation. I urge you to join the Environment Committee in supporting this bill and vote ought to pass.

Adopted.

Ordered to third reading.

SB 340, extending the reporting date of the committee to study the problems and possible regulation of outdoor lighting. Environment Committee. Vote 4-0. Ought to Pass, Senator Krueger for the committee.

SENATOR KRUEGER: I rise in support of SB 340. This is an important committee as outdoor light pollution is a real problem affecting many growing communities in New Hampshire. Currently, the committee members, myself included, are looking at mild ordinances or variations thereof for lighting guidelines or standards for communities to adopt voluntarily as a means of reducing light pollution and saving energy. The New Hampshire Municipal Association supports this bill, and will continue to work with the committee members on this issue. I would like to note that this bill was a request of the members of the study committee, and I urge your support. Thank you.

Adopted.

Ordered to third reading.

SB 384, establishing a committee to study pretreatment programs for reducing pollutant levels in sewage sludge. Environment Committee. Vote 7-0. Ought to pass with amendment, Senator Wheeler for the committee.

2000-3234s

08/01

Amendment to SB 384

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

AN ACT establishing a committee to study pollution prevention and pretreatment programs for reducing pollutant levels in sewage sludge.

Amend the bill by replacing sections 1 and 2 with the following:

1 Purpose. The general court recognizes that there is an ongoing scientific debate about the potential for environmental contamination caused by pollutants associated with using sewage sludge for agricultural, land application, and reclamation purposes. The purpose of this study committee is to recommend pollution prevention and pretreatment programs that cities and towns can adopt that will reduce the levels of pollutants discharged to sewers and wastewater treatment plants, resulting in cleaner sewage sludge.

2 Committee Established. There is established a committee to study pollution prevention and pretreatment programs for reducing pollutant levels in sewage sludge.

Amend the bill by replacing paragraph I of section 4 with the following:

I. Recommend a pollution prevention program that will significantly reduce pollutant levels in sewage sludge at wastewater treatment plants around the state. The program should include a combination of strong industry regulation and pollution prevention to reduce and minimize the levels of pollutants that may enter sewer systems.