

LEGISLATIVE COMMITTEE MINUTES

# **SB409**

Bill as  
Introduced

SB 409 - AS INTRODUCED

2022 SESSION

22-3092  
07/05

SENATE BILL        **409**

AN ACT            relative to disaster relief loans.

SPONSORS:        Sen. Prentiss, Dist 5; Sen. Giuda, Dist 2; Sen. Kahn, Dist 10; Rep. Steven Smith,  
Sull. 11; Rep. Merchant, Sull. 4

COMMITTEE:      Finance

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ANALYSIS

This bill modifies the circumstances under which the governor may approve exceptional disaster relief loans.

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Explanation:      Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears [~~in brackets and struck through.~~]  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

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

AN ACT relative to disaster relief loans.

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

1 1 Homeland Security and Emergency Management; Exceptional Disaster Relief Loans;  
2 Modification of Circumstances. Amend RSA 21-P:37-c, II to read as follows:

3 II.(a) When the President of the United States declares an area a federal disaster area, *or*  
4 *the governor declares a state of emergency as defined in RSA 21-P:35, VIII*, and a  
5 municipality has applied for federal emergency assistance from the Federal Emergency Management  
6 Administration (FEMA), the governor, with the approval of the executive council, *or the joint*  
7 *legislative fiscal committee*, may approve a *non-interest* loan in the amount up to the  
8 anticipated assistance from FEMA from funds not otherwise appropriated.

9 (b) In order to be eligible for an exceptional disaster relief loan, the [~~per-occurrence~~] cost  
10 of a municipality's critical disaster relief project or projects shall equal or exceed 25 percent of the  
11 amount raised by local property taxes in the municipality's [~~last~~] *current* annual budget.

12 (c) *The municipality shall not knowingly request an exceptional disaster relief*  
13 *loan for costs that are not eligible for reimbursement under the FEMA public assistance*  
14 *program.*

15 (d) *Upon receipt of FEMA public assistance funds, the municipality shall within*  
16 *60 days reimburse the state for the amount of the loan or the amount provided to the*  
17 *municipality by FEMA, whichever is less.*

18 2 Effective Date. This act shall take effect 60 days after its passage.

SB 409 - AS AMENDED BY THE SENATE

02/16/2022 0627s

2022 SESSION

22-3092

07/05

SENATE BILL **409**

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16 (d) *Recipients of an exceptional disaster relief loan shall be responsible to repay*  
17 *the entire loan amount to the state. If the amount of FEMA assistance that a municipality*  
18 *receives is less than the exceptional disaster relief loan, the state treasurer, with the advice*  
19 *and consent of the governor and council, shall negotiate repayment terms of the difference.*

20 2 Effective Date. This act shall take effect upon its passage.

SB 409 - AS AMENDED BY THE HOUSE

02/16/2022 0627s  
4May2022... 1546h

2022 SESSION

22-3092  
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9 funds not otherwise appropriated.

10 (b) In order to be eligible for an exceptional disaster relief loan, the per [insurance]  
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12 percent of the amount raised by local property taxes in the municipality's [last] *current* annual  
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20 *and consent of the governor and council, shall negotiate repayment terms of the difference.*

21 (e) *The municipality shall consider applying for available hazard mitigation*  
22 *grant funding administered by the division of homeland security and emergency*  
23 *management that would reduce the impact of future disasters on facilities that were*  
24 *repaired with exceptional disaster relief loan funds. Municipalities must demonstrate*  
25 *progress on the implementation of their hazard mitigation plan in order to be eligible for*  
26 *future assistance loans under this section for disasters affecting facilities where an*  
27 *exceptional disaster relief loan was previously granted.*

28 2 Effective Date. This act shall take effect upon its passage.



CHAPTER 236  
SB 409 - FINAL VERSION

02/16/2022 0627s  
4May2022... 1546h

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22-3092  
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4May2022... 1546h

22-3092  
07/05

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27 *exceptional disaster relief loan was previously granted.*

236:2 Effective Date. This act shall take effect upon its passage.

Approved: June 17, 2022  
Effective Date: June 17, 2022

# Amendments

Amendment to SB 409

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

2

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# Committee Minutes

*ATTENDANCE*

# SENATE CALENDAR NOTICE

## Finance

- ✓ Sen Gary Daniels, Chair
- ✓ Sen John Reagan, Vice Chair
- ✓ Sen Bob Giuda, Member
- ✓ Sen Erin Hennessey, Member
- ✓ Sen Chuck Morse, Member
- ✓ Sen Lou D'Allesandro, Member
- ✓ Sen Cindy Rosenwald, Member

START: 1:01 pm

16

STOP: 1:17 pm

Date: January 27, 2022

### HEARINGS

	Tuesday		02/01/2022
	(Day)		(Date)
Finance		State House 103	1:00 p.m.
(Name of Committee)		(Place)	(Time)
<del>1:00 p.m.</del>	<b>SB 409</b>	<del>relative to disaster relief loans.</del>	
1:10 p.m.	<b>SB 445-FN</b>	appropriating funds to the broadband matching grant fund.	

### EXECUTIVE SESSION MAY FOLLOW

#### Sponsors:

##### SB 409

Sen. Prentiss  
Rep. Merchant

Sen. Giuda

Sen. Kahn

Rep. Steven Smith

##### SB 445-FN

Sen. Hennessey  
Sen. Daniels  
Sen. Cavanaugh  
Sen. Gray

Sen. Bradley  
Sen. Avard  
Sen. Sherman

Sen. Watters  
Sen. Birdsell  
Sen. Prentiss

Sen. Whitley  
Sen. Carson  
Sen. Giuda

Deb Martone 271-4980

Gary L. Daniels  
Chairman

# Senate Finance Committee

*Deb Martone 271-4980*

**SB 409**, relative to disaster relief loans.

**Hearing Date:** February 1, 2022

**Time Opened:** 1:01 p.m.

**Time Closed:** 1:17 p.m.

**Members of the Committee Present:** Senators Daniels, Reagan, Hennessey, Morse, D'Allesandro and Rosenwald

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

**Bill Analysis:** This bill modifies the circumstances under which the governor may approve exceptional disaster relief loans.

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**Sponsors:**

Sen. Prentiss

Sen. Giuda

Sen. Kahn

Rep. Steven Smith

Rep. Merchant

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**Who supports the bill:** Senators Suzanne Prentiss and Bob Giuda; Katherine Heck (NHMA).

**Who is neutral on the bill:** Jennifer Harper and Fallon Reed, NH Department of Safety, Homeland Security and Emergency Management.

**Summary of testimony presented in support:**

Senator Prentiss, Prime Sponsor:

- SB 409 amends RSA 21-P:37-c to further clarify how communities can obtain an emergency loan from the state for recovery from a catastrophic, natural disaster.
- In the summer of 2021, parts of Cheshire and Sullivan Counties were impacted by two different storms, damaging roadways which provided key pathways to work and school, and impacting the sustainability of the local economies. These communities include, but are not limited to Charlestown in Senator Prentiss' Senate District #5, and Acworth in Senate District #8.
- The 3-4 inches of rain that fell on Acworth on the night of July 29-30 washed out roads, damaged bridges and destroyed culverts.
- Three-quarters of the town's total roads were damaged. Necessary repairs have waited over a period of months, some remain waiting partly due to a lack of local dollars immediately available to address these issues while waiting for federal help to arrive.
- Senator Prentiss made it clear she is not trying to upend the federal process. This is merely another pathway for communities to obtain a non-interest



bearing loan from the state to make some of the immediate repairs to their infrastructure.

- Acworth has under 900 residents, and a budget just shy of \$3 million. Repairs were estimated at more than \$1 million initially, which exceeded the town's immediate ability.
- In Charlestown school children were traveling over what is close to a Class VI road to get to school due to the delay in necessary repairs.
- If we could find a way to move funding to these communities more expediently in the form of a non-interest loan, we would be able to address the safety and economic issues presented, while the federal disaster relief process is underway. Although work to this effect has been done through the exceptional disaster relief loans, Senator Prentiss is asking one more option be added into this.
- We know the disaster relief reimbursement process can sometimes take years. A temporary emergency loan is particularly helpful when a disaster would financially overwhelm a community, and require a large appropriation raised from local taxes.
- Acworth had an emergency town meeting in which approval was granted to borrow \$2.1 million.
- The amending language enables the process to move forward more quickly by empowering the Governor, after declaring a state of emergency and with the approval of the Executive Council or the Joint Fiscal Committee, to authorize a loan. Furthermore, it specifies the loan should be interest free. The municipality takes care to ensure it does not knowingly apply for funds that are not eligible under FEMA criteria. FEMA and Homeland Security and Emergency Management can provide guidance to a community in this process. A reimbursement deadline is established along with the amount to be reimbursed. Upon receipt of FEMA funds, the city/town has 60 days to pay back its loan to the state. If FEMA has approved an amount less than the original loan, the municipality is only obligated to pay back the amount received from FEMA. If the municipality receives more from FEMA because the final costs of the disaster were higher than originally estimated, repayment to the state is only for the amount of the loan they received from the state. This protects the municipality from yet another unanticipated expense that would have a significant, detrimental impact on its tax base and overall economic wellbeing.
- We have a mechanism in place to take this to the Executive Council as it currently stands. What we don't have, and what SB 409 does is put the Governor into the mix by having the Governor declare a disaster area. A community can go to the Executive Council or the Joint Fiscal Committee to ask for this non-interest loan to enable them to immediately start addressing their infrastructure problems.
- Senator D'Allesandro stated the Governor and Executive Council cannot appropriate any money. Many, many years ago the Executive Council did have a fund. It was an emergency fund worth approximately \$150,000 that no longer exists. A community would go to the Joint Fiscal Committee or the appropriate legislative committee and ask that a no/low interest loan be provided to cover the work that is being done. The work should be done as soon as possible. If

you wait for FEMA it is a long period of time. You ask for the loan and you pay the money back when reimbursed by FEMA. Senator D'Allesandro believes that was the procedure used for the Alstead floods. In addition to that, the state paid the full 25 percent in Alstead. The appropriate funding authority is the Legislature. You will never get it done by borrowing money from a bank; it will go way beyond your ability to pay it.

- Senator Morse asked for clarification in the case FEMA comes in short of the loan. The difference between what FEMA paid and what we gave the loan for...how is that handled? Senator Prentiss indicated if the FEMA estimate is less than has been loaned to the community, the community is required to pay back to the state that amount.
- Senator Daniels asked for an explanation of the removal of "per occurrence" on Line 9 of the bill. Senator Prentiss believes Senator Giuda made that particular change. She indicated she would follow up on this. Senator Daniels believes some type of language is needed. Senator Prentiss agreed.

Katherine Heck, New Hampshire Municipal Association:

- They would like to see municipalities have avenues to get this quicker turnaround in funding. They are willing to work with the sponsors on any language change to make this happen.
- Senator Morse still sought clarification on II.(d) of the bill. When the municipality receives FEMA money they will pay back the state with the FEMA money. He questioned the language on Line 17, "whichever is less". If there is not enough FEMA money, who gets paid the difference? Ms. Heck shared Senator Morse's concern with such language and agreed it should be clarified. The state would not go without the money it loaned; the municipality would have to take that on. Senator Morse continued it would have to be an appropriation at that point that has to be accounted for.

**Neutral Information Presented:**

Jennifer Harper, Director, NH Department of Safety, Homeland Security and Emergency Management:

- If, for example, a community requests a loan of \$5 million to make necessary repairs as soon as possible, and FEMA's eligible reimbursement is \$4 million, the community is responsible for paying back the state the \$1 million difference. Homeland Security and Emergency Management has a rule that outlines how the exceptional disaster relief loan is managed. Senator Morse questioned if that is what II.(d) actually says. Director Harper agreed to work on the language to clarify it. Senator Morse thought under current law we already have the ability to provide a loan. Director Harper agreed, it is the exceptional disaster relief loan. Senator Prentiss is asking for a change to the law that provides for the exceptional disaster relief loan. That is the intent of SB 409.

dm

Date Hearing Report completed: February 3, 2022

# Speakers





# Voting Sheets

# Senate Finance Committee

## EXECUTIVE SESSION

Bill # SB 409

Hearing date: 02/01/22

Executive session date: 02/08/22

Motion of: Comm. Amend

VOTE: 7-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input checked="" type="checkbox"/>
Rosenwald <input checked="" type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input checked="" type="checkbox"/>	Hennessey <input type="checkbox"/>

Motion of: OTPA

VOTE: 7-0

<u>Made by</u> Daniels <input type="checkbox"/>	<u>Seconded</u> Daniels <input type="checkbox"/>	<u>Reported</u> Daniels <input type="checkbox"/>
<u>Senator:</u> Reagan <input type="checkbox"/>	<u>by Senator:</u> Reagan <input checked="" type="checkbox"/>	<u>by Senator:</u> Reagan <input type="checkbox"/>
Giuda <input checked="" type="checkbox"/>	Giuda <input type="checkbox"/>	Giuda <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>
D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>	D'Allesandro <input type="checkbox"/>
Morse <input type="checkbox"/>	Morse <input type="checkbox"/>	Morse <input type="checkbox"/>
Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>	Hennessey <input type="checkbox"/>

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Daniels, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Giuda	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Hennessey	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Morse	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator D'Allesandro	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_

# Committee Report



STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Wednesday, February 9, 2022

THE COMMITTEE ON Finance

to which was referred **SB 409**

AN ACT                                      relative to disaster relief loans.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF:    7-0

AMENDMENT # 0627s

Senator Bob Giuda  
For the Committee

Deb Martone 271-4980

**Docket of SB409****Bill Title:** relative to disaster relief loans.*Official Docket of SB409.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/23/2021	S	To Be <b>Introduced</b> 01/05/2022 and Referred to Finance; <b>SJ 1</b>
1/27/2022	S	<b>Hearing:</b> 02/01/2022, Room 103, SH, 01:00 pm; <b>SC 5</b>
2/9/2022	S	Committee Report: Ought to Pass with Amendment <b>#2022-0627s</b> , 02/16/2022; <b>SC 7</b>
2/16/2022	S	Committee Amendment <b>#2022-0627s</b> , AA, VV; 02/16/2022; <b>SJ 3</b>
2/16/2022	S	<b>Ought to Pass with Amendment</b> 2022-0627s, MA, VV; OT3rdg; 02/16/2022; <b>SJ 3</b>
3/23/2022	H	Introduced 03/17/2022 and referred to Finance
3/30/2022	H	Public Hearing: 04/05/2022 10:30 am LOB 210-211
3/29/2022	H	Division Work Session: 04/05/2022 11:00 am LOB 209
4/6/2022	H	Division II Work Session: 04/13/2022 03:00 pm LOB 209
4/14/2022	H	Division II Work Session: 04/19/2022 10:00 am LOB 209
4/19/2022	H	Executive Session: 04/26/2022 09:00 am LOB 210-211
4/26/2022	H	Committee Report: Ought to Pass with Amendment <b>#2022-1546h</b> (Vote 20-0; CC)
5/4/2022	H	Amendment # 1546h: AA VV 05/04/2022 <b>HJ 11</b>
5/4/2022	H	<b>Ought to Pass with Amendment</b> 1546h: MA VV 05/04/2022 <b>HJ 11</b>
5/12/2022	S	Sen. Daniels Moved to Concur with the House Amendment, MA, VV; 05/12/2022; <b>SJ 12</b>
6/9/2022	H	Enrolled (in recess of) 05/26/2022
6/9/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); <b>SJ 13</b>
6/22/2022	S	Signed by the Governor on 06/17/2022; Chapter 0236; Effective 06/17/2022

NH House

NH Senate

# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 409

Senate Committee: FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

**Bill Hearing Documents: {Legislative Aides}**

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

**Committee Action Documents: {Legislative Aides}**

All amendments considered in committee (including those not adopted):

- amendment # 05265       - amendment # \_\_\_\_\_

- amendment # 06275       - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

**Floor Action Documents: {Clerk's Office}**

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

**Post Floor Action: (if applicable) {Clerk's Office}**

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

**All available versions of the bill: {Clerk's Office}**

as amended by the senate       as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Martore  
Committee Aide

06/24/22  
Date

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