

Bill as Introduced

SB 178 - AS AMENDED BY THE SENATE

03/07/13 0352s

2013 SESSION

13-0923
08/09

SENATE BILL **178**

AN ACT establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments.

SPONSORS: Sen. Fuller Clark, Dist 21; Sen. Odell, Dist 8; Rep. Kaen, Straf 5

COMMITTEE: Executive Departments and Administration

ANALYSIS

This bill establishes a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 178 - AS AMENDED BY THE SENATE

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13-0923
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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments.

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

1 1 Committee Established. There is established a committee to review and make
2 recommendations regarding consolidating all state energy positions throughout state departments.

3 2 Membership and Compensation.

4 I. The members of the committee shall be as follows:

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

6 (b) Five members of the house of representatives, appointed by the speaker of the house
7 of representatives.

8 II. Members of the committee shall receive mileage at the legislative rate when attending to
9 the duties of the committee.

10 3 Duties. The committee shall review and make recommendations regarding consolidating all
11 state energy positions throughout state departments. The committee shall solicit input from all
12 appropriate agency and department heads, including the office of energy and planning, and
13 businesses and individuals familiar with state and federal energy programs.

14 4 Chairperson; Quorum The members of the study committee shall elect a chairperson from
15 among the members. The first meeting of the committee shall be called by the first-named senate
16 member. The first meeting of the committee shall be held within 45 days of the effective date of this
17 section. Three members of the committee shall constitute a quorum.

18 5 Report. The committee shall make an interim report its findings and any recommendations
19 for proposed legislation to the president of the senate, the speaker of the house of representatives,
20 the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2013
21 and shall make a final report on November 1, 2014.

22 6 Effective Date. This act shall take effect upon its passage.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

PUBLIC HEARING ON SB 178

BILL TITLE: establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments.

DATE: 4/10/13

LOB ROOM: 306 **Time Public Hearing Called to Order:** 1:34 pm

Time Adjourned: 2:00 pm

(please circle if present)

Committee Members: Reps. Weber, Schuett, P. Schmidt, D. Sullivan, Judy Coley, Gagnon, Booras, Moffett, M. Nelson, Hansberry, C. McGuire, Pratt, Hansen, S. Sweeney, Beaudoin, Bianca Rose Garcia, Sytek, Danaïs and Byron.

Bill Sponsors: Sen. Fuller Clark, Dist 21; Sen. Odell, Dist 8; Rep. Kaen, Straf 5

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Senator Martha Fuller-Clark representing District 21

Senator Fuller-Clark presented the bill which originated from the need to combine the various energy positions throughout state agencies into one group thus eliminating confusion and duplicative work.

Chairman Weber inquired about Senator Fuller-Clark's comment on the difficulty of finding the experts on energy policy within state government and whether this was also a concern about the public finding these experts within government organizations. The Senator stated that it is really both as there are resident experts spread over many organizations so it is a broad organizational problem.

Representative Nelson asked about the number of Senators on the committee and the number of Representatives. Senator Fuller-Clark stated that she would be happy to change the number of participating legislators.

Representative Hansen stated that he is not clear on what we are trying to do with this legislation. Senator Fuller-Clark responded that the role of the committee is to look at staffing of positions for energy within state departments. Representative Hansen suggested that this would be a central location and not a clearing house for information. Senator Fuller-Clark responded that the Representative was correct.

Representative Danais asked if you combine this into one department do you alienate certain other departments. Chairman Weber reminded the Representative that this was a bill to institute a study committee

Representative Jeudy asked about the number of members of the House and how the Speaker would chose the membership along partisan lines. The Senator stated that she hoped the Speaker would select the best people to serve on the committee.

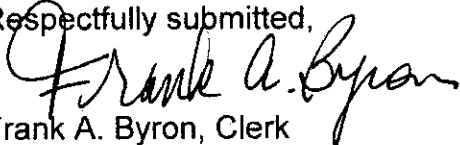
Representative Beaudoin asked if there were other departments that should have people on the committee. The senator responded that there were committees that may be suitable and were spelled out in a report she has provided to the clerk (See attached).

Ms. Amy Ignatius, Chairman of New Hampshire PUC

Ms. Ignatius took no position on the bill but did suggest that the Senator was right in looking at the services spread throughout the state agencies and it made sense for a committee to do so. Ms. Ignatius stated that those energy functions at OEP and DRED were not right to be moved out of those agencies due to their planning needs for the state. PUC is doing rate setting and other regulatory energy function and should remain at PUC and not be consolidated due to their regulatory functions.

Representative Gagnon inquired if there were existing communication channels that existed between these energy positions. Chairman Ignatius stated that there were not necessarily any communication channels except at one particular board (Energy Efficiency and Sustainable Energy Board) housed at PUC. Chairman Ignatius will provide the committee with a link for this group.

Respectfully submitted,


Frank A. Byron, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

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Bill Sponsors: Sen. Fuller Clark, Dist 21; Sen. Odell, Dist 8; Rep. Kaen, Straf 5

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

House ED&A Committee Minutes

10 April 2013 LOB 306

Hearing on SB178, establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments

Member's Attendance (members absent denoted by an "A" before name):

	Representative Weber, Chairman		Representative Hansen
	Representative Schuett, Vice-Chairman		Representative Jeudy
	Representative Beaudoin		Representative McGuire
A	Representative Booras	A	Representative Moffett
	Representative Byron, Clerk		Representative Nelson
	Representative Danais	A	Representative Pratt
	Representative Gagnon	A	Representative Schmidt
A	Representative Garcia		Representative Sullivan
	Representative Goley	A	Representative Sweeney
	Representative Hansberry		Representative Sytek

Committee hearing called to order by Chairman Weber at 1:34 PM

Announcements: No announcements were made

Testimony:

Testimony presented by Senator Martha Fuller-Clark representing District 21

Senator Fuller-Clark presented the bill which originated from the need to combine the various energy positions throughout state agencies into one group thus eliminating confusion and duplicative work.

Chairman Weber inquired about Senator Fuller-Clark's comment on the difficulty of finding the experts on energy policy within state government and whether this was also a concern about the public finding these experts within government

House ED&A Committee Minutes

10 April 2013 LOB 306

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Representative Hansen stated that he is not clear on what we are trying to do with this legislation. Senator Fuller-Clark responded that the role of the committee is to look at staffing of positions for energy within state departments. Representative Hansen suggested that this would be a central location and not a clearing house for information. Senator Fuller-Clark responded that the Representative was correct.

Representative Danais asked if you combine this into one department do you alienate certain other departments. Chairman Weber reminded the Representative that this was a bill to institute a study committee

Representative Judy asked about the number of members of the House and how the Speaker would choose the membership along partisan lines. The Senator stated that she hoped the Speaker would select the best people to serve on the committee.

Representative Beaudoin asked if there were other departments that should have people on the committee. The senator responded that there were committees that may be suitable and were spelled out in a report she has provided to the clerk (See attached).

Testimony from Ms. Amy Ignatius, Chairman of New Hampshire PUC

Ms. Ignatius took no position on the bill but did suggest that the Senator was right in looking at the services spread throughout the state agencies and it made sense for a committee to do so. Ms. Ignatius stated that those energy functions at OEP and DRED were not right to be moved out of those agencies due to their planning needs for the state. PUC is doing rate setting and other regulatory energy function and should remain at PUC and not be consolidated due to their regulatory functions.

Representative Gagnon inquired if there were existing communication channels that existed between these energy positions. Chairman Ignatius stated that there were not necessarily any communication channels except at one particular board (Energy Efficiency and Sustainable Energy Board) housed at PUC. Chairman Ignatius will provide the committee with a link for this group.

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Chairman Weber closed the hearing at 2:00 PM.

Minutes recorded by Representative Frank A. Byron, Clerk:

_____ Date: _____

Testimony

NEW HAMPSHIRE SENATE RESEARCH**MEMORANDUM**

TO: Sen. Martha Fuller Clark
 DATE: January 4, 2013
 FROM: Senate Research (Diana Ferguson) 
 IN RE: Energy positions in New Hampshire

You have asked for information on the total number "energy positions" in New Hampshire, presumably meaning in state government. You have also asked for information on how other states structure their energy departments; this information follows as a companion memorandum SR#6900.

This memorandum contains an introduction and, beginning on page 2, examples (in summary form) of NH state energy-related positions found in the course of research. First, while a variety of searches were undertaken in efforts to be thorough, energy-related jobs may have eluded the searches. Second, though over 200 positions were encountered which could be wholly- or partially-related to energy tasks, further specific information is needed from agencies to determine the actual total of positions in the state touching upon energy. For example, the Department of Administrative Services (DAS) *Energy Management Annual Report for FY 2012*¹ states "DAS and OEP [Office of Energy and Planning] arranged for and funded an HVAC and basic electricity training course for 32 state employees . . ." It is not clear if these trained employees might be considered holding, at least in part, "energy positions."

Introduction:

The DAS Division of Human Resources has an on-line index list of Class Specifications (by job title) but each specification must be individually reviewed. Electronic searches of the DAS on-line job titles list (exceeding 1000 entries) for titles containing the word "energy" yielded one job title: Energy Conservation Coordinator.² Review of the specifications in various agencies of about two dozen randomly selected job titles not including the term "energy" but inviting one to check for energy-related tasks using the term "energy" yielded one other job: Public Works Project Manager VII.³

After consulting a variety of additional resources⁴ with similarly limited success, I turned to the on-line State of New Hampshire 2014-2015 Biennium Budget Request (also called the Budget Manual).⁵ This on-line document is a 5058-page PDF; it contains information for all three branches⁶ and, under the executive branch are summaries, statutory references, detailed descriptions and analytical statements of all state agencies as well as of divisions or bureaus within agencies. The Budget Manual also indicates funding sources (general fund, federal,

¹ <http://admin.state.nh.us/EnergyManagement/Documents/AnnualEnergyReport2012.pdf>

² http://admin.state.nh.us/HR/classspec_e/4069.htm

³ http://admin.state.nh.us/HR/classspec_p/7256.htm

⁴ Searches using a variety of energy-related and job-related related terms were also made in such sources as the state Transparency website, the DAD state employee listing site (Sunspot), the Revised Statutes Annotated (RSAs) and the NH Code of Administrative Rules (NHCAR).

⁵ http://admin.state.nh.us/budget/Budget2014-2015/2014B02_budget_book_Agency.pdf#01-02

⁶ Legislative Branch TOC on page 6 and details begin on page 300; Judicial Branch TOC on page 9 and details begin on page 1017.

NEW HAMPSHIRE SENATE RESEARCH

other). One funding source is grants; no attempt has been made to calculate state employee numbers for those involved in grant program administration.

It is worth noting that the Budget Manual refers to a number of entities such as commissions, boards, programs or workgroups, some of which deal with energy issues. In addition to participation by private citizens (especially in the case of public-private partnerships⁷), there may be instances of overlap in the case of state employees who are, for example, members of commissions or boards as indicated by those serving "ex officio" or those designated in statute as voting or non-voting members. The state energy manager in DAS, for example, serves on the Energy Efficiency and Sustainable Energy Board (EESB) administratively attached to the PUC (RSA 125-O:5-a, II). Some of these entities are readily identifiable. Others are less so; an example of a less obvious entity would be the Fleet Manager's Workgroup (as of March 2011, this group had 44 members).⁸ No attempt has been made to calculate state employee participation in such entities but they are noted in the summary below when encountered in the course of searches. In addition, no attempt has been made to calculate number of legislators involved "ex officio" in such entities.⁹

Searches were conducted of the 2014-2015 Biennium Budget Manual ("Budget Manual" or "the source"). As mentioned above, it is possible energy-related jobs may have eluded searches. Also, some positions in multi-task agencies may be only partially related to energy tasks.

For ready reference, the Budget Manual's Table of Contents (TOC) of agencies is found in the PDF at pages 2-113. Each agency's TOC is also repeated preceding the agency's section as listed in the general TOC. As noted in the TOCs, entries for agencies include organizational charts and certain Forms (such as Form 1 - Definition; Form 2 - Analytical Statement; Form 5 - Analysis of Maintenance; Form 6 - Analysis of Change; Form 12 - Explanation; and, Form 13 - Indirect Cost).

A summary of the examples of these search results relative to a number of energy-related positions follows in the order that the items are listed in the Budget Manual document.

Examples found of NH state energy-related positions (in summary form):

Executive Office: Office of Energy and Planning (OEP) [RSA 4-C]

Total number of permanent classified positions: 11 (see below for task allocation).

See OEP organizational chart on p. 150 of source.

As noted above, multi-task agencies may have positions only partially related to energy tasks. In the case of the OEP in the 2014-2015 Budget Manual, it appears that approximately six to

⁷ Two examples of what could be many public-private partnerships in NH and in New England are the CORE (PUC) and the Environmental Business Council of New England, Inc. (PUC, OEP, and New Hampshire Business Finance Authority).

⁸ http://sunspot.nh.gov/Fleet_Management/Documents/Fleet%20Policy%20Workgroup%20members.pdf

⁹ One other area encountered in research was the issue of reporting requirements of entities to legislative committees (for example, to the "chairperson of the senate energy, environment, and economic development committee"; query what happens when the body changes the name(s) of its committees).

NEW HAMPSHIRE SENATE RESEARCH

seven of its positions relate in whole or in part to energy.¹⁰ On the OEP pages of the Budget Manual, it is indicated that:

- 1.9 employees are assigned to energy planning;
- 1.5 employees are assigned to the weatherization assistance program;
- 2.3 employees are assigned to Fuel Assistance (relates to grants); and
- 0.1 employees are assigned to the Electric Assistance Program.

In addition, among the duties of the OEP is participation in numerous boards and commissions (many related to land use planning), including the Energy Facilities Siting Committee (RSA 162-H:3) and, the Nuclear Decommissioning Financing Committee with oversight of Seabrook Decommissioning Fund (RSA 162-F).

Department of Administrative Services (DAS): Division of Plant and Property Management: Energy Management

Total number of classified positions: 2.

See DAS Div. of Plant and Property organizational chart on p. 394 of source.

According to the DAS website for Energy Management: The State Energy Manager position^[11] was created by the Governor's Executive Order 2005-4 [copy attached]. The position is responsible for researching and entering the state into energy contracts, selecting and implementing energy efficiency projects in state buildings, and reporting on the state's quarterly and annual energy use.

According to the Budget Manual: The Division of Plant and Property Management provides support services to state government including . . . energy management. The Division consists of the Director and nine (9) internal organizational units. . . .

Energy Management:

The State Energy Manager provides guidance and helps state agencies to reduce energy wherever possible. The state Energy Manager oversees and assists state agencies to track energy usage through the state energy data base. Through state energy manager state agencies have reduced energy usage by 16% exceeding the goal of 10% as required by Executive Order 2005-04. In 2011 Governor Lynch published executive order # 2011-01 that requires state agencies to reduce the amount of fossil fuel usage 25% by 2025 [copy attached]. In addition the legislature passed legislation in 2010 requiring all state agencies to develop an

¹⁰ In contrast, on the DAS state employee directory website ("Sunspot"), under the Executive Branch, there is the Office of Energy and Planning listing showing 17 employees, 4 with job titles using the word "energy" and one with a position entitled "Grant and Compliance Officer."

¹¹ There is prior reference to this position during the 2001-2002 session in HB 316 *establishing the position of state energy manager* (sponsors: Rep. Langley, Rock 24; Rep. Belanger, Rock 26; Rep. Norelli, Rock 31.) On April 12, 2001, the bill was retained in the House Science, Technology and Energy committee and, on January 2, 2002, it was ITL on the following report:

HB 316-FN, establishing the position of state energy manager. INEXPEDIENT TO LEGISLATE

Rep. Terie T. Norelli for Science, Technology and Energy: This bill would have established the position of state energy manager to coordinate efforts to reduce the state's energy consumption and lower its \$17,000,000 annual energy bill. This position was funded in the budget and the new energy manager has been introduced to the committee. Therefore, this bill is no longer needed. Vote 16-0.

Source: www.gencourt.state.nh.us/house/caljournals/journals/2002/houjou2002_05.html

NEW HAMPSHIRE SENATE RESEARCH

annual energy conservation plan. Under the guidance of the state energy manager, several state agency maintenance personnel received training that will help them calibrate and maintain state energy using equipment at its peak efficiency. The state energy manager also oversees capital and ARRA funded projects to install new energy saving equipment in state facilities. The state energy manager is also responsible to develop bids and contracts to purchase electricity and natural gas in bulk resulting in significant savings. A recent purchase of electricity is saving the state approximately \$120,000 per year with 25% of the electricity being renewable. New initiatives include the expansion of the state web site and issuing several performance contracts to reduce energy usage as well as our fossil fuel usage in state owned buildings.

Department of Justice (DOJ, Attorney General's Office): Division of Public Protection: Environmental Protection Bureau.

Total number of positions: 8 (6 attorneys (unclassified), 1 legal secretary, 1 paralegal). There is no indication in the Budget Manual of what percentage of time of the 8 positions is allocable to "energy" tasks.

See DOJ organizational chart on p. 1351 of source.

According to the Budget Manual: the Environmental Protection Bureau is charged with the enforcement of New Hampshire's environmental laws and the provision of legal advice and natural resource management and the regulation of activities that can adversely impact the environment, members of the Bureau also serve as public counsel in representing the energy facilities.

Public Utilities Commission (PUC):

Total number of classified positions: 64 plus 5 in the Office of the Consumer Advocate. There is no indication in the Budget Manual of what percentage of time in the positions is allocable to "energy" tasks.

See PUC organizational charts on pp. 2367-2368 and p. 2423 of source.

According to the Budget Manual: The Public Utilities Commission is vested with general jurisdiction over public utilities and their affiliates. . . . The Commission has the responsibility to review and fix just and reasonable rates for public utilities . . . The Commission promulgates rules and regulations governing all utilities subject to its jurisdiction. . . . The Commission administers the Renewable Energy Fund and the Greenhouse Gas Emissions Reduction Fund. The Commissioners and a designated engineer are members of the Site Evaluation Committee which holds hearings to review and make findings on applications. The Chairman of the Commission is also a member of the Nuclear Decommissioning Finance Committee. Lastly, Commission Staff serve on various legislatively established committees. . . . the Commission has a staff of 65 and is divided into administrative Activity entities consisting of the Office of the Commissioners, Office of the Executive Director, Legal, Consumer Affairs, Electric, Gas & Water, Telecommunications, Sustainable Energy, Audit and Safety/Gas Pipeline.

The legislature also established an Energy Efficiency and Sustainable Energy (EESE) Board that is administratively attached to the Commission; the EESE Board has no staff or budget. [12]

¹² EESE amended 2012 by repeal of Paragraph I(d) by Ch. 281:10, I, effective January 1, 2013 (HB 1490). The repealed paragraph read:

NEW HAMPSHIRE SENATE RESEARCH

The Public Utilities Commission has been responsible for administering the Greenhouse Gas Emissions Reduction Fund (GHGERF), a non-lapsing, special fund dedicated to supporting energy efficiency, conservation, and demand response programs that will reduce greenhouse gas emissions generated within the state. Recent legislation (HB1490) amends RSA 125-O:23 to replace the GHGERF with the energy efficiency fund (EEF), as of January 1, 2013. . . . Currently, the Sustainable Energy Division (SED) consists of four classified employee equivalents whose time is allocated between the GHGERF, the Renewable Energy Fund and the Office of the Commission, which are separate Activities for budgeting purposes. The Sustainable Energy Division will have a very limited role with regard to administering the EEF in FY 14 and 15. SED staff also participate in monthly meetings of the Energy Efficiency and Sustainable Energy Board, which is administratively attached to the Commission under RSA 21-G:10.

The Office of Consumer Advocate (OCA) is an independent state agency administratively attached to the Public Utilities Commission . . . for budgeting purposes only, and consists of a staff of 5 . . . The OCA is charged by RSA 363:28 with representing the interests of residential utility consumers before any board, commission, agency, court, or regulatory body in which those interests are involved. The OCA is also charged with promoting and furthering the knowledge and education of residential consumers about utility issues. RSA 363:28 authorizes five full-time positions. Presently, these positions are filled by the Consumer Advocate (an attorney), the Assistant Consumer Advocate (an attorney), a finance director, a utility analyst, and a legal assistant. The OCA also has one part-time temporary position to assist with clerical duties. There is no indication in the Budget Manual of what percentage of time of the 5 positions is allocable to "energy" tasks to the extent any of it may not be.

Pursuant to RSA 363:28-a, the Residential Ratepayers Advisory Board advises the OCA. The Board consists of nine members of the public, three appointed by the Speaker of the House; three by the Senate President; and three by the Governor and Executive Council. The Board members represent a broad cross-section of interests including the elderly, the disabled, small business owners, persons of low income, residents of public housing, the public, and environmental issues. The Board assists the OCA in making important policy decisions and prioritizing the OCA's advocacy activities. The Board also recommends the Consumer Advocate to the Governor and Executive Council.

Department of Resources and Economic Development (DRED): Division of Forest and Lands [RSAs 227 G-L]

Total classified positions: 45.¹³

There is no indication in the Budget Manual of what percentage of time in the positions is allocable to "energy" tasks.

See DRED Div. of Forest & Lands organizational chart at p. 2571 of source.

(d) Provide recommendations at least annually to the public utilities commission on the administration and allocation of energy efficiency and renewable energy funds under the commission's jurisdiction.

¹³ Apparently included in the Division's Forest Protection Bureau are 9 full-time Forest Rangers who supervise 249 Forest Fire Wardens, one in each community, 1,971 deputy wardens, and 136 special deputy wardens, who are appointed by the Director; the bureau had lay-offs in the last budget cycle.

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According to the Budget Manual: New Hampshire has nearly 50 substantial-sized sawmills as well as about 20 major users of wood energy, including 7 wood-fired power plants. There is reference in this Division to fuel wood. Of New Hampshire's approximately 5.74 million acres of land area, 84% (4.8 million acres) is forested, making New Hampshire the second most heavily forested state in the nation. Privately owned land, held by approximately 84,000 owners, accounts for 76% of the timberland acreage while the public holds 24% of the state's timberland. These forests provide jobs, forest products, wildlife habitat, recreation, and clean air and water to name a few things. They are also playing a strategic role as we tackle such issues as carbon sequestration, and renewable energy. . . . Forest operations provide forest products such as sawlogs, pulp, biomass chips, and firewood for regional timber industries.

Department of Environmental Services (DES): various Divisions

Total classified positions:

Air Resources Division: 77 (including 2 in clean energy programs);

Waste Management Division: 99 (including 14 in solid waste program and 20 in Oil Fund Disbursement Board).

Other than the 2 clean energy program positions, there is no indication in the Budget Manual of what percentage of time in the positions is allocable to "energy" tasks.

See DES organizational charts on pp. 2743-2744 of source; for Air Resources Div, see p.2923, and for Waste Management Division, see p. 2965.

According to the Budget Manual: The Air Resources Division has the responsibility for implementing and enforcing the New Hampshire Administrative Rules Env-A 100 et. seq., and for administering the air quality environmental health programs. Air Resources activities include . . . providing public education and conducting studies regarding issues involving . . . energy management and efficiency. . . . The overriding goal of New Hampshire's air program is to achieve and maintain air quality standards in New Hampshire that protect public health and the natural resources of the State in the most cost effective manner possible. Specific goals of the air program to support the overriding goal include . . . [t]o increase public awareness of air quality issues including, but not limited to, the health effects of air pollution, regional air quality, and the benefits of energy efficiency and conservation. According to the entries under DES Air Resources, there are 2 positions allocated to Clean Energy programs (working with PUC on Regional Greenhouse Gas Initiative (RGGI), Renewable Portfolio Standards (RPS) and Utilities Energy Efficiency Programs (EE)).

According to the Budget Manual: the mission of the Waste Management Division (WMD) is to protect public health and the environment . . . The solid waste program (14 positions) regulates facilities that manage solid waste, including transfer stations, recycling centers, incinerators, and landfills. . . . Solid waste is managed by recycling, burning in waste to energy incinerators, or landfilling. . . . The WMD provides administrative and technical services to the Oil Fund Disbursement Board to manage the petroleum reimbursement funds established under RSA 146-D, RSA 146-E, RSA 146-F and RSA 146-G. . . . The RSA 146-E fund is also available to low income homeowners to replace substandard heating oil storage tanks to prevent leaks and avoid more costly cleanup.

Department of Health and Human Services (HHS): Division of Public Health (DPH):

Bureau of Public Health Protection: Radiological Health Section

Total classified positions: 11 (possibly including or in addition: 2 positions for Radiological Emergency Response).

NEW HAMPSHIRE SENATE RESEARCH

There is no indication in the Budget Manual of what percentage of time in the positions is allocable to "energy" tasks.

See HHS DPG Bureau of Public Health organizational chart on p. 4234 in the source.

According to the Budget Manual: The mission of the Radiological Health Section is to protect all citizens of New Hampshire, workers, and non-residents visiting the state, from the harmful effects of radiation, as well as to protect property and the environment from radioactive contamination.

The Section functions under statutory authority of RSA 125-F, RSA 107-B, RSA125-B, RSA 125-G, and under the New Hampshire Rules for the Control of Radiation, Chapter 4000 of the state's Administrative Rules. New Hampshire became an Agreement State with the Atomic Energy Commissioner (now the U.S. Nuclear Regulatory Commission) in 1966. As an Agreement State, New Hampshire is responsible for the regulation of all ionizing sources of radiation within the state (except for on-site activities at nuclear power plants and federal facilities).

The Radiological Health Section collaborates and coordinates with outside agencies through its programs as follows: various federal agencies, including . . . the United States (US) Nuclear Regulatory Commission (NRC) . . . the U.S. Department of Energy (DOE), the U.S. Department of the Navy and U.S. Naval Sea Command, and in particular, the Portsmouth Navel Shipyard . . . the New England Radiological Health Committee (NERHC), consisting of the member states of the New England Radiological Health Compact under RSA 125-B, . . .

A note on the Fish and Game Commission

It is also worth noting that in the Budget Manual the pages for the Fish and Game Commission that state the statutory basis for Fish and Game tasks mention "Rules of Federal Energy Regulatory Commission." There is no indication in the Budget Manual of what percentage of time in Fish and Game positions is allocable to "energy" tasks.

Additional notes:

Also, throughout the RSAs, the Code of Administrative Rules (NHCAR) and the Budget Manual are references to agencies' efforts/duties to implement energy savings and efficiently practices. These concepts are stated as policy goals and thus there is no indication in the Budget Manual of what percentage of time in agency positions may be allocable to such "energy" tasks.

If we can provide you with further information, please let us know.

Attachments:

1. Executive Order 2005-04 (Gov. Lynch; 7/14/05) and the internally referenced Executive Order 2007-7 (Gov. Benson; 10/22/04);
2. Executive Order 2011-01 (Gov. Lynch; 4/15/11).

Voting Sheets

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 178

BILL TITLE: establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments.

DATE: 4/16/13

LOB ROOM: 306

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL Retained (Please circle one.)

Moved by Rep. McGuire

Seconded by Rep. Nelson

Vote: 16-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Frank Byron, Clerk

HOUSE COMMITTEE ON EXECUTIVE DEPARTMENTS AND ADMINISTRATION

EXECUTIVE SESSION on SB 178

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DATE: 4/16/13

LOB ROOM: 306

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL Retained (Please circle one.)

Moved by Rep. McGUIRE

Seconded by Rep. NELSON

Vote: (Please attach record of roll call vote.) 16-0

Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote: (Please attach record of roll call vote.)

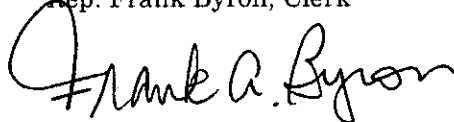
CONSENT CALENDAR VOTE: 16-0

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Frank Byron, Clerk





STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

3/20/2013 11:18:00 AM
Roll Call Committee Registers
Report

2013 SESSION

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Bill #: SB178 Title: establishing a committee to review & make recommendations regarding consolidating all state energy positions throughout state depts.

PH Date: / / Exec Session Date: 04/16/2013

Motion: ITL Amendment #:

MEMBER	YEAS	NAYS
Weber, Lucy M, Chairman	16	
Schuett, Dianne E, V Chairman	1	
Schmidt, Peter B	2	
Jeady, Jean L	ABSENT	
Sullivan, Daniel J	ABSENT	
Goley, Jeffrey P	3	
Gagnon, Raymond G	4	
Nelson, Mary S	5	
Booras, Efstathia C G. Richardson	6	
Hansberry, Daniel C,	7	
Moffett, Howard M	8	
McGuire, Carol M	9	
Sytek, John	10	
Pratt, Calvin D	ABSENT	
Hansen, Peter T	11	
Beaudoin, Steven P	12	
Byron, Frank A, Clerk	13	
Danais, Romeo	14	
Garcia, Bianca R	15	
Sweeney, Shawn P	ABSENT	
TOTAL VOTE:	16	0

Committee Report

CONSENT CALENDAR

April 18, 2013

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on EXECUTIVE DEPARTMENTS AND
ADMINISTRATION to which was referred SB178,**

**AN ACT establishing a committee to review and make
recommendations regarding consolidating all state
energy positions throughout state departments. Having
considered the same, report the same with the following
Resolution: RESOLVED, That it is INEXPEDIENT TO
LEGISLATE.**

Rep. Carol M McGuire

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	EXECUTIVE DEPARTMENTS AND ADMINISTRATION
Bill Number:	SB178
Title:	establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments.
Date:	April 18, 2013
Consent Calendar:	YES
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The committee felt that the charge of this study committee was inadequately defined and to a large degree redundant due to the duties of the governor's office of energy and planning. Since the Public Utilities Commission - which has a substantial energy component - requested at the hearing that they be excluded from this study, the committee felt that this study would not produce any useful information that the Office of Energy and Planning could not equally well provide. The committee had further concerns about a study committee composed of one Senator and five Representatives.

Vote 16-0.

Rep. Carol M McGuire
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

EXECUTIVE DEPARTMENTS AND ADMINISTRATION

SB178, establishing a committee to review and make recommendations regarding consolidating all state energy positions throughout state departments. **INEXPEDIENT TO LEGISLATE.**

Rep. Carol M McGuire for EXECUTIVE DEPARTMENTS AND ADMINISTRATION. The committee felt that the charge of this study committee was inadequately defined and to a large degree redundant due to the duties of the governor's office of energy and planning. Since the Public Utilities Commission - which has a substantial energy component - requested at the hearing that they be excluded from this study, the committee felt that this study would not produce any useful information that the Office of Energy and Planning could not equally well provide. The committee had further concerns about a study committee composed of one Senator and five Representatives.
Vote 16-0.

Original: House Clerk
Cc: Committee Bill File

SB 178

ITL

16-0 Consent Calendar

The committee felt that the charge of this study committee was inadequately defined and to a large degree redundant due to the duties of the governor's office of energy and planning. Since the Public Utilities Commission - which has a substantial energy component - requested at the hearing that they be excluded from this study, the committee felt that this study would not produce any useful information that the Office of Energy and Planning could not equally well provide. The committee had further concerns about a study committee composed of one Senator and five Representatives.

Rep. Carol McGuire

OK signed

SB 178

ITL

16-0 Consent Calendar

requested
The committee felt that the charge of this study committee was inadequately defined and to a large degree redundant due to the duties of the governor's office of energy and planning. Since the Public Utilities Commission - which has a substantial energy component - ~~insisted~~ at the hearing that they be excluded from this study, the committee felt that this study would not produce any useful information that the Office of Energy and Planning could not equally well provide. The committee had further concerns about a study committee composed of one Senator and five Representatives.

Rep. Carol McGuire

Culberson, Kay

From: Lucy McVitty Weber [lwmcv@comcast.net]
Sent: Wednesday, April 17, 2013 6:31 PM
To: McGuire, Carol; Culberson, Kay
Subject: FW: SB178, study committee on consolidating energy positions

Hi, Kay,

Here is the revised blurb for SB 178:

SB178, study committee on consolidating energy positions

The committee felt that the charge of this study committee was inadequately defined and to a large degree redundant due to the duties of the governor's office of energy and planning. Since the Public Utilities Commission - which has a substantial energy component - insisted at the hearing that they be excluded from this study, the committee felt that this study would not produce any useful information that the Office of Energy and Planning could not equally well provide.

The committee had further concerns about a study committee composed of one Senator and five Representatives.

Thanks,
Lucy

Rep. Lucy McVitty Weber
Chair, Executive Departments and Administration
217 Old Keene Road
Walpole NH 03608
603-756-4338
lwmcv@comcast.net

----- Forwarded Message

From: Carol McGuire <mcguire4house@gmail.com>
Reply-To: Carol McGuire <carol@mcguire4house.com>
Date: Wed, 17 Apr 2013 18:16:33 -0400
To: Lucy McVitty Weber <lwmcv@comcast.net>
Subject: Re: SB178, study committee on consolidating energy positions

Actually, I'm fine with both of them.

Carol

On Wednesday, April 17, 2013, Lucy McVitty Weber wrote:

Carol,

How would you feel about substituting "inadequately defined" for "vague, confusing"?

4/18/2013

Also, what would you think about a sentence on the order of "The committee had further concerns about a study committee composed of only one Senator and five House members"? (I'm trying to plant a hint that if the Senate thinks something should be studied, they should commit more than one member to study it.)

Neither suggestion is a dealbreaker.

Lucy

Rep. Lucy McVitty Weber
Chair, Executive Departments and Administration
217 Old Keene Road
Walpole NH 03608
603-756-4338
lwmcv@comcast.net <<http://lwmcv@comcast.net>>

From: Carol McGuire <mcguire4house@gmail.com <<http://mcguire4house@gmail.com>> >
Reply-To: Carol McGuire <carol@mcguire4house.com <<http://carol@mcguire4house.com>> >
Date: Wed, 17 Apr 2013 12:07:29 -0400
To: Lucy McVitty Weber <lwmcv@comcast.net <<http://lwmcv@comcast.net>> >
Cc: "Culberson, Kay" <Kay.Culberson@leg.state.nh.us <<http://Kay.Culberson@leg.state.nh.us>> >
Subject: Fwd: SB178, study committee on consolidating energy positions

----- Forwarded message -----

From: Carol McGuire
Date: Wednesday, April 17, 2013
Subject: SB178, study committee on consolidating energy positions
To:

SB178, study committee on consolidating energy positions

The committee felt that the charge of this study committee was vague, confusing and to a large degree redundant to the duties of the governor's office of energy and planning. Since the Public Utilities Commission - which has a substantial energy component - insisted at the hearing that they be excluded from this study, the committee felt that this study would not produce any useful information that the Office of Energy and Planning could not equally well provide.

--
Carol

--
Carol

4/18/2013

Culberson, Kay

From: Carol McGuire [mcguire4house@gmail.com]
Sent: Wednesday, April 17, 2013 12:07 PM
To: Weber, Lucy
Cc: Culberson, Kay
Subject: Fwd: SB178, study committee on consolidating energy positions

----- Forwarded message -----

From: Carol McGuire
Date: Wednesday, April 17, 2013
Subject: SB178, study committee on consolidating energy positions
To:

SB178, study committee on consolidating energy positions

The committee felt that the charge of this study committee was vague, confusing and to a large degree redundant to the duties of the governor's office of energy and planning. Since the Public Utilities Commission - which has a substantial energy component - insisted at the hearing that they be excluded from this study, the committee felt that this study would not produce any useful information that the Office of Energy and Planning could not equally well provide.

--
Carol

4/17/2013