
Committee Report

CONSENT CALENDAR

March 21, 2019

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Science, Technology and Energy to which was referred HB 413,

AN ACT relative to membership of the energy efficiency and sustainable energy board. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. John Mann

FOR THE COMMITTEE

COMMITTEE REPORT

| | |
|-------------------|-------------------------------------------------------------------------------|
| Committee: | Science, Technology and Energy |
| Bill Number: | HB 413 |
| Title: | relative to membership of the energy efficiency and sustainable energy board. |
| Date: | March 21, 2019 |
| Consent Calendar: | CONSENT |
| Recommendation: | OUGHT TO PASS |

STATEMENT OF INTENT

This bill makes a number of changes to the membership and duties of the Energy Efficiency and Sustainable Energy Board. The new members added will be from the public, the banking industry, and not-for-profit organizations focusing on matters dealt with by the board. These members will help ensure that the board is meeting the needs and concerns of the most important stakeholders, the public.

Vote 19-1.

Rep. John Mann
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Science, Technology and Energy

HB 413, relative to membership of the energy efficiency and sustainable energy board. **OUGHT TO PASS.**

Rep. John Mann for Science, Technology and Energy. This bill makes a number of changes to the membership and duties of the Energy Efficiency and Sustainable Energy Board. The new members added will be from the public, the banking industry, and not-for-profit organizations focusing on matters dealt with by the board. These members will help ensure that the board is meeting the needs and concerns of the most important stakeholders, the public. **Vote 19-1.**

HB 413

Reports / J. Mann 835-9095 H 499-3088 C

413 This bill makes a number of changes to the membership and duties of the Energy Efficiency and Sustainable Energy (ESEE) Board. New members will be from the public, from the banking industry, and from not-for-profit organizations focusing on matters dealt with by the Board; these members will help ensure that the Board is meeting the needs and concerns of the most important stakeholders, the public. +

Stapler, Carol

From: Backus, Bob
Sent: Monday, March 11, 2019 3:32 PM
To: Stapler, Carol
Subject: RE: TENTATIVE Reports for 582, 568, and 413

Yes, I had looked at these reports and had a question about one point on the one for HB 582, but John convinced me he was right. so....good to go by me.

From: Stapler, Carol
Sent: Monday, March 11, 2019 3:25 PM
To: Backus, Bob
Subject: FW: TENTATIVE Reports for 582, 568, and 413

HB 413

All 3 bills are in the same document...

-----Original Message-----

From: Mann, John
Sent: Wednesday, March 06, 2019 7:44 AM
To: Stapler, Carol <Carol.Stapler@leg.state.nh.us>
Subject: TENTATIVE Reports for 582, 568, and 413

I'm sending these now, to save you some typing. I'll give you an amended hard copy if I make changes today.

Voting Sheets

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 413

BILL TITLE: relative to membership of the energy efficiency and sustainable energy board.

DATE: March 6, 2019

LOB ROOM: 304

MOTIONS: ADOPT AMENDMENT

Moved by Rep. Oxenham Seconded by Rep. McGhee AM Vote: 9-11 Fails
Amendment # 2019-0805h Failed

MOTIONS: OUGHT TO PASS

Moved by Rep. Rep. Somssich Seconded by Rep. Rep. Vincent Vote: 19-1

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Lee Oxenham, Clerk

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 413

BILL TITLE: relative to membership of the energy efficiency and sustainable energy board.

DATE: 3-6-19

LOB ROOM: 304

Amendment 0805

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. ~~Samsrick~~ Oxenham Secoded by Rep. Mahhee Vote: 9-11-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # 19 (if offered)
- Interim Study (2nd year)

Moved by Rep. Samsrick Secoded by Rep. Vincent Vote: 19-1-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Secoded by Rep. _____ Vote: _____

CONSENT CALENDAR: YES NO

Minority Report? _____ Yes _____ No If yes, author, Rep: _____ Motion

Respectfully submitted:  Rep Lee Oxenham, Clerk

OFFICE OF THE HOUSE CLERK



1/14/2019 3:25:56 PM
 Roll Call Committee Registers
 Report

2019 SESSION

Science, Technology and Energy

Bill #: HB 413 Motion: OTP *Adopt Amendment* AM #: 0805h Exec Session Date: 3-6-19

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|---------------------------------------|-------------|-------------|-----------|
| Backus, Robert A. Chairman | X | | |
| Moffett, Howard M. Vice Chairman | X | | |
| Cali-Pitts, Jacqueline A. | | X | |
| Mann, John E. | X | | |
| Oxenham, Lee Walker Clerk | X | | |
| Somssich, Peter F. | | X | |
| Vincent, Kenneth S. | X | | |
| Batch, Chris <i>TOWNE</i> | | X | |
| McGhee, Kat | X | | |
| McWilliams, Rebecca J. <i>LAWE</i> | X | | |
| Saunderson, George L. | X | | |
| Wells, Kenneth D. | X | | |
| Harrington, Michael D. | | X | |
| Notter, Jeanine M. | | X | |
| Aldrich, Glen C. | | X | |
| Thomas, Douglas W. | | X | |
| Merner, Troy E. | | X | |
| Ober, Russell T. | | X | |
| Webb, James C. <i>LANG</i> | | X | |
| Plett, Fred R. | | X | |
| TOTAL VOTE: | | | |

9 11 0



Final Motion

2019 SESSION

Science, Technology and Energy

Bill #: 413 Motion: ~~SB~~ OTP AM #: _____ Exec Session Date: 3-6-19

| <u>Members</u> | <u>YEAS</u> | <u>Nays</u> | <u>NV</u> |
|----------------------------------------------------|-------------|-------------|-----------|
| Backus, Robert A. Chairman | X | | |
| Moffett, Howard M. Vice Chairman | X | | |
| Cali-Pitts, Jacqueline A. | X | | |
| Mann, John E. | X | | |
| Oxenham, Lee Walker Clerk | X | | |
| Somssich, Peter F. | X | | |
| Vincent, Kenneth S. | X | | |
| Balch, Chris <i>Tome</i> | X | | |
| McGhee, Kat | X | | |
| McWilliams, Rebecca J. <i>Kang Lane</i> | X | | |
| Saunderson, George L. | X | | |
| Wells, Kenneth D. | X | | |
| Harrington, Michael D. | X | | |
| Notter, Jeanine M. | X | | |
| Aldrich, Glen C. | X | | |
| Thomas, Douglas W. | X | | |
| Merner, Troy E. | X | | |
| Ober, Russell T. | | X | |
| Webb, James C. <i>Lang</i> | X | | |
| Plett, Fred R. | X | | |
| TOTAL VOTE: | | | |

19 1 0

Hearing Minutes

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 413

BILL TITLE: relative to membership of the energy efficiency and sustainable energy board.

DATE: February 5, 2019

LOB ROOM: 304 **Time Public Hearing Called to Order:** 2:36 pm

Time Adjourned: 3:25 pm

Committee Members: Reps. Backus, Moffett, Oxenham, Cali-Pitts, Mann, Somssich, Vincent, Balch, McGhee, McWilliams, Saunderson, Wells, Harrington, Notter, Aldrich, D. Thomas, Merner, R. Ober, Webb and Plett

Bill Sponsors:

Rep. Mann

Rep. Somssich

TESTIMONY

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

Public Hearing on HB 413

Rep. John Mann, prime sponsor- Rep. Mann stated that this bill was extraordinarily simple. It only changes one word: that being the number of representatives from not-for-profit groups representing energy, environmental, consumer or public health issues and knowledgeable in energy conservation policies and programs on the Energy Efficiency and Sustainable Energy Board (EESB Board). The bill would raise that number from 3 to 5.

Q: Why would you want more?

A: The sponsor argued that there was increased interest in participation; and that there was more work to be done. It would also increase the representation and power of average citizens, thinning out the larger number of legislators.

Chairman Robert Backus - The chair suggested that the Consumer Advocate would be very interested in this proposal and suggested that the sponsor should consult with him.

Rebecca Ohler, Chair of EESB Board, DES - Ms. Ohler thanked the sponsor for bringing forward this legislation. She stated that it had provided the impetus for the Board to take a look at its enabling statute and investigate what else could be updated. Unfortunately the EESB Board will only be hearing the report on the update from its working group this Friday, so none of the results of its work could be presented today. The EESB Board took no position on the bill, but wanted to apprise us of the fact that they were undertaking this update and would be coming to us with recommendations.

Melissa Birchard, Conservation Law Foundation - Supports. Ms. Birchard clarified that the EESE Board was made up of many stakeholders, and that it has direct input into the statewide energy efficiency programs administered by the utilities. NH has just concluded its first year with its first EERS. The EERS takes advantage of the cleanest and cheapest energy measures, those that don't use any energy at all. The EERS began functioning on January 1, 2018, and the program is now beginning the second year of its first three year term. The EERS' three year plans will incrementally improve year over year by adding increasingly higher standards. In keeping with the PUC settlement order, the EESE Board will increasingly serve as a forum for stakeholder input into the EERS' three year plans. This will increase its profile in the energy planning process. The EESE Board will be taking on increasing responsibility in the future, taking on a new role as a full stakeholder participant in PUC dockets. Its proven record in achieving stakeholder consensus is being leveraged by the PUC to diminish the need for contested adjudicatory proceedings. The members of the EESE Board appreciate the new legislative language being put forward and see it as supporting the new and enhanced role of the EESE Board under the most recent PUC orders. They understand that there may be additional new language soon from the EESE Board's working group, and they look forward to that.

Don Kreis – Consumer Advocate – Supports. According to Mr. Kreis, the principal task of the enhanced stakeholder EESE Board is what the PUC has already committed to – the achievement of all cost-effective energy efficiency. This goal has been thrashed out in robust discussion among the Board's stakeholders. The PUC hopes that the EESE Board can take on, and resolve, as many issues as possible, leaving the fewest possible issues to be resolved via lengthy and expensive contested adjudicatory proceedings. The EERS concept was developed in 2016, and the first Energy Efficiency 3 year plan was developed by stakeholder consensus. It was subsequently updated via a PUC settlement agreement. Mr. Kreis argued that the main reason it was already working so well was because the EESE Board had already worked so hard to get to consensus at the get go. He added that adding additional seats on the Board would be very useful. Other improvements would be coming forth shortly from the EESE Board's working group. As but one example, language was proposed to be reinserted in the enabling statute to specify that the Board would provide recommendations at least annually on the allocation and distribution of energy efficiency funds. Finally, he stated that his own top recommendation for statutory language change would be that we place in statute the requirement for all cost-effective energy efficiency measures.

Q: If we vote to set up a Department of Energy, it's going to change a lot of this, isn't it?

A: It could, yes.

Q: Will these other recommendations for language changes be brought in as amendments to this bill?

A: Yes. My amendment will. That one proposes achieving all cost-effective energy efficiency measures, was just presented here. The other amendments will be coming forward from the working group.

Q: I suggest we put off voting on this bill until after we receive the working group's recommendations.

Chairman Backus - Yes, that is my plan.

Blue Sheet: Pro, 4; Con, 0

Respectfully Submitted:

A handwritten signature in blue ink, appearing to read "Lee Oxenham". The signature is fluid and cursive, with a prominent initial "L" and "O".

Lee Oxenham, Clerk

Public Hearing on HB 413

The primary sponsor, Rep. Mann, stated that this Bill was extraordinarily simple. It only changes one word; that being the number of representatives from not-for-profit groups representing energy, environmental, consumer or public health issues and knowledgeable in energy conservation policies and programs on the Energy Efficiency and Sustainable Energy Board (EESE Board). The Bill would raise that number from 3 to 5.

Ques. – Why would you want more?

Ans – The sponsor argued that there was increased interest in participation; and that there was more work to be done. It would also increase the representation and power of average citizens, thinning out the larger number of legislators.

Chair – The chair suggested that the Consumer Advocate would be very interested in this proposal and suggested that the sponsor should consult with him.

2 Rebecca Ohler, Chair of EESE Board, DES.

Ms. Ohler thanked the sponsor for bringing forward this legislation. She stated that it had provided the impetus for the Board to take a look at its enabling statute and investigate what else could be updated. Unfortunately the EESE Board will only be hearing the report on the update from its working group this Friday, so none of the results of its work could be presented today.

The EESE Board took no position on the Bill, but wanted to apprise us of the fact that they were undertaking this update and would be coming to us with recommendations.

3 Melissa Birchard – Conservation Law Foundation

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The members of the EESE Board appreciate the new legislative language being put forward and see it as supporting the new and enhanced role of the EESE Board under the most recent PUC

orders. They understand that there may be additional new language soon from the EESE Board's working group, and they look forward to that.

Don Kreis – Consumer Advocate – Supports the Bill.

According to Mr. Kreis, the principal task of the enhanced stakeholder EESE Board is what the PUC has already committed to – the achievement of all cost-effective energy efficiency. This goal has been thrashed out in robust discussion among the Board's stakeholders. The PUC hopes that the EESE Board can take on, and resolve, as many issues as possible, leaving the fewest possible issues to be resolved via lengthy and expensive contested adjudicatory proceedings.

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Ques - I suggest we put off execing this Bill until after we receive the working group's recommendations.

Chair – Yes, that is my plan.

Amendments

Amendment to HB 413

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

2

3 AN ACT relative to membership and duties of the energy efficiency and sustainable energy
4 board.

5

6 Amend the bill by replacing section 1 with the following:

7

8 1 Energy Efficiency and Sustainable Energy Board. Amend RSA 125-O:5-a, I(a) through IV to
9 read as follows:

10

11 (a) Review available energy efficiency, conservation, demand response, and sustainable
12 energy programs and incentives and compile ~~[a report]~~ **reports as necessary** of such resources in
13 New Hampshire.

14 (b) Develop ~~[a plan]~~ **plans as necessary** to achieve the state's energy efficiency
15 potential for all fuels, including setting goals and targets for energy efficiency that are meaningful
16 and achievable.

17 (c) Develop ~~[a plan]~~ **plans as necessary** for economic and environmental sustainability
18 of the state's energy system including the development of high efficiency clean energy resources
19 that are either renewable or have low net greenhouse gas emissions.

20 (d) ~~[Repealed.]~~

21 (e) Explore opportunities to coordinate programs targeted at saving more than one fuel
22 resource, including conversion to renewable resources and coordination between natural gas and
23 other programs which seek to reduce the overall use of nonrenewable fuels.

24 (f) Develop tools to enhance outreach and education programs to increase knowledge
25 about energy efficiency and sustainable energy among New Hampshire residents and businesses.

26 (g) Expand upon the state government's efficiency programs to ensure that the state is
27 providing leadership on energy efficiency and sustainable energy including reduction of its energy
28 use and fuel costs.

29 (h) Encourage municipalities and counties to increase investments in energy efficiency
30 and sustainable energy through financing tools, and to create local energy committees.

31 (i) Work with community action agencies and the office of strategic initiatives to explore
32 ways to ensure that all customers participating in programs for low-income customers and the Low
33 Income Home Energy Assistance Program (LIHEAP) have access to energy efficiency

1 improvements, and where appropriate, renewable energy resources, in order to reduce their energy
2 bills.

3 (j) Investigate potential sources of funding for energy efficiency and sustainable energy
4 development and delivery mechanisms for such programs, coordinate efforts between funding
5 sources to reduce duplication and enhance collaboration, and review investment strategies to
6 increase access to energy efficiency and renewable energy resources.

7 (k) *Serve as a stakeholder forum that makes recommendations to program*
8 *administrators and the public utilities commission with respect to the development and*
9 *implementation of program plans under the energy efficiency resource standard,*
10 *providing assistance interpreting and applying state policies with respect to energy*
11 *efficiency, demand response, and strategic electrification.*

12 II. The members of the board shall be as follows:

13 (a) The chairman of the public utilities commission, or designee.

14 (b) The director of the office of strategic initiatives, or designee.

15 (c) The consumer advocate, or designee.

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

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

18 (f) The president of the Business and Industry Association of New Hampshire, or
19 designee.

20 (g) The executive director of the New Hampshire Municipal Association, or designee.

21 (h) The executive director of New Hampshire Legal Assistance, or designee.

22 (i) The president of the Homebuilders & Remodelers Association of New Hampshire, or
23 designee.

24 (j) Two members of the house *of representatives, at least one of whom shall be*
25 *from the* science, technology and energy committee, appointed by the speaker of the house of
26 representatives.

27 (k) One member of the senate energy [~~environment and economic development~~] *and*
28 *natural resources* committee, appointed by the president of the senate.

29 (l) [~~Three~~] *Five* representatives from not-for-profit groups representing energy,
30 environmental, consumer, or public health issues and knowledgeable in energy conservation
31 policies and programs, appointed by the chairman of the public utilities commission.

32 (m) The commissioner of the department of administrative services, or designee.

33 (n) The state fire marshal, or designee.

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

36 (p) *The executive director of the community development finance authority, or*
37 *designee.*

1 III. The board shall include, as nonvoting participants, the following:

2 (a) One representative from each utility-administered electric and natural gas energy
3 efficiency program appointed by the chairman of the public utilities commission.

4 (b) A representative of energy services companies delivering energy efficiency services
5 to residential and business customers, appointed by the chairman of the public utilities commission.

6 (c) A representative of a business or association of businesses selling or installing
7 sustainable or renewable energy systems, appointed by the chairman of the public utilities
8 commission.

9 (d) A representative from the investment, *financial services, or lending* community
10 with expertise in efficiency *and/or renewable energy* investments and financing, appointed by the
11 chairman of the public utilities commission.

12 (e) *A representative of the New Hampshire Bankers Association, appointed by*
13 *the chairman of the public utilities commission.*

14 IV. The chairman of the public utilities commission shall call the first meeting of the board.
15 The board shall elect a chairperson from among its members. [Seven] *A majority of voting*
16 members of the board shall constitute a quorum. The board shall make an annual report on
17 [~~December 1~~] *January 31* to the governor, the speaker of the house of representatives, the
18 president of the senate, the house science, technology and energy committee, the senate energy[,
19 environment and economic development] *and natural resources* committee, and the public
20 utilities commission, to provide an update on [its] activities *during the preceding calendar year*
21 and recommendations for action including possible legislation.

2019-0805h

AMENDED ANALYSIS

This bill increases the number of members of the energy efficiency and sustainable energy board.

The bill also adds to the duties of the board.

UNAPPROVED

Bill as Introduced

HB 413 - AS INTRODUCED

2019 SESSION

19-0539

06/08

HOUSE BILL

413

AN ACT

relative to membership of the energy efficiency and sustainable energy board.

SPONSORS:

Rep. Mann, Ches. 2; Rep. Somssich, Rock. 27

COMMITTEE:

Science, Technology and Energy

ANALYSIS

This bill increases the number of members of the energy efficiency and sustainable energy board.

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 Nineteen

AN ACT relative to membership of the energy efficiency and sustainable energy board.

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

1 1 Energy Efficiency and Sustainable Energy Board; Membership. Amend RSA 125-O:5-a, II(1)
2 to read as follows:

3 (1) [~~Three~~] *Five* representatives from not-for-profit groups representing energy,
4 environmental, consumer, or public health issues and knowledgeable in energy conservation
5 policies and programs,

6 2 Effective Date. This act shall take effect 60 days after its passage.