

REGULAR CALENDAR

March 3, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Majority of the Committee on Science, Technology and Energy to which was referred HB 1148,

AN ACT relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy. Having considered the same, report the same with the recommendation that the bill OUGHT TO PASS.

Rep. Fred Plett

FOR THE MAJORITY OF THE COMMITTEE

MAJORITY COMMITTEE REPORT

Committee:	Science, Technology and Energy
Bill Number:	HB 1148
Title:	relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy.
Date:	March 3, 2022
Consent Calendar:	REGULAR
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill is designed to prevent municipalities from enacting ordinances to prevent fuel types (natural gas, liquefied natural gas, wind, solar, hydro, or whatever) for power production or conversion. Determinations of this type are a state responsibility, and we have a Site Evaluation Committee to aid in this decision making. Any proposed power production or conversion must follow local zoning, unless exempted, but this will keep a municipality from deliberately enacting zoning to block a project. The municipality may intervene in Site Evaluation Committee proceedings to express its support or opposition.

Vote 11-10.

Rep. Fred Plett
FOR THE MAJORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Science, Technology and Energy

HB 1148, relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy. **MAJORITY: OUGHT TO PASS. MINORITY: INEXPEDIENT TO LEGISLATE.**

Rep. Fred Plett for the **Majority** of Science, Technology and Energy. This bill is designed to prevent municipalities from enacting ordinances to prevent fuel types (natural gas, liquefied natural gas, wind, solar, hydro, or whatever) for power production or conversion. Determinations of this type are a state responsibility, and we have a Site Evaluation Committee to aid in this decision making. Any proposed power production or conversion must follow local zoning, unless exempted, but this will keep a municipality from deliberately enacting zoning to block a project. The municipality may intervene in Site Evaluation Committee proceedings to express its support or opposition. **Vote 11-10.**

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

March 3, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Minority of the Committee on Science, Technology and Energy to which was referred HB 1148,

**AN ACT relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy. Having considered the same, and being unable to agree with the Majority, report with the following resolution:
RESOLVED, that it is INEXPEDIENT TO LEGISLATE.**

Rep. Kat McGhee

FOR THE MINORITY OF THE COMMITTEE

MINORITY COMMITTEE REPORT

Committee:	Science, Technology and Energy
Bill Number:	HB 1148
Title:	relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy.
Date:	March 3, 2022
Consent Calendar:	REGULAR
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

The minority finds this to be an extremely disruptive bill to New Hampshire energy planning. This bill not only removes local control for energy planning from those who are doing the work on town energy committees to help lower costs and emissions, it voids decisions already made by towns to adopt plans that eliminate fossil fuels from their municipal energy portfolios. This bill is an about-face in direction-setting that walks back support for local, clean energy efforts. To implement a mandate that says New Hampshire counties and towns have no authority to exclude an energy source can only be seen as paving the way for continued fossil fuel use and dependence. This is not the desire of the many towns who have already invested in moving forward with clean energy targets. This bill disrupts orderly planning for many municipalities and defies our long-standing tradition of local control.

Rep. Kat McGhee
FOR THE MINORITY

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Science, Technology and Energy

HB 1148, relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy. **INEXPEDIENT TO LEGISLATE.**

Rep. Kat McGhee for the **Minority** of Science, Technology and Energy. The minority finds this to be an extremely disruptive bill to New Hampshire energy planning. This bill not only removes local control for energy planning from those who are doing the work on town energy committees to help lower costs and emissions, it voids decisions already made by towns to adopt plans that eliminate fossil fuels from their municipal energy portfolios. This bill is an about-face in direction-setting that walks back support for local, clean energy efforts. To implement a mandate that says New Hampshire counties and towns have no authority to exclude an energy source can only be seen as paving the way for continued fossil fuel use and dependence. This is not the desire of the many towns who have already invested in moving forward with clean energy targets. This bill disrupts orderly planning for many municipalities and defies our long-standing tradition of local control.

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 1148

BILL TITLE: relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy.

DATE: March 1, 2022

LOB ROOM: 304

MOTIONS: **OUGHT TO PASS**

Moved by Rep. Plett

Seconded by Rep. Ploszaj

Vote: 11-10

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Fred Plett, Clerk



2022 SESSION

Science, Technology and Energy

Bill #: HB1148 Motion: OTP AM #: _____ Exec Session Date: 02/28/2022

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Vose, Michael Chairman	x		
Thomas, Douglas W. Vice Chairman	x		
Harrington, Michael D.	x		
Notter, Jeanine M.	x		
Merner, Troy E.	x		
Plett, Fred R. Clerk	x		
Berezhny, Lex	x		
Bernardy, JD	x		
Cambrils, Jose E.	x		
Ploszaj, Tom	x		
White, Nick D.	x		
Lewicki, John			x
Somssich, Peter F. Massimilla, Linda		x	
Cali-Pitts, Jacqueline A.		x	
Mann, John E.		x	
Oxenham, Lee Walker		x	
Vincent, Kenneth S. Telerski, Laura		x	
McGhee, Kat		x	
McWilliams, Rebecca J. Sykes, George		x	
Chretien, Jacqueline H.		x	
Pimentel, Roderick L.		x	



2022 SESSION

Science, Technology and Energy

Bill #: HB1148 Motion: OTP AM #: _____ Exec Session Date: 02/28/2022

Parshall, Lucius

TOTAL VOTE:

		x	
	11	10	1

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 1148

BILL TITLE: relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy.

DATE: February 1, 2022

LOB ROOM: 306-308 **Time Public Hearing Called to Order:** 130 p.m.

Time Adjourned: 2:24 p.m.

Committee Members: Reps. Vose, Thomas, Plett, Harrington, Notter, Merner, Berezhny, Cambrils, Ploszaj, White, Somssich, Cali-Pitts, Mann, Oxenham, Lewicke, Vincent, McGhee, McWilliams, Pimentel and Parshall

Bill Sponsors:

Rep. Plett

TESTIMONY

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

*Rep. Plett, sponsor. Rep Plett read his written testimony. (Q) Harrington - is this because existing rules/regulations are not effective? (A) not certain current covers all. (Q) – this would cover additional things? Yes. (Q) – Cali-Pitts – would these still go through permitting process at state level? Yes; simply prevents muni from introducing roadblocks. (Q) McGhee – how will this affect muni with plans for lowering/setting energy goal? No, only prevent them from blocking things that don't fit goal. (Q) Cali-Pitts – clarifying question about what “blocking” by municipalities means. (Q) McWilliams – how would this affect Concord's current plan? Towns can encourage types of energy, but not block other forms. (Q) Mann – Would this allow muni from preventing a gasoline? Yes but can still go to Site Evaluation Committee. (Q) Parshall – Question about section 4-1(a) and how it affects community power aggregation plans? Not likely.

Natch Greyes – NHMA opposes bill. SB86 passed, signed into law- retail end. This bill is different than that – unintended consequences – Liberty Utilities vs, City of Concord – who is going to pay to restore the road? Would that mean overruling Liberty Utilities Supreme Court ruling, could be over broad language. Somssich – What language is the concern? Didn't really answer. Somssich – would you be willing to suggest a change? Not off top of his head. Cali-Pitts – I don't want your gas line, coal plant, etc. – municipality. Don't see how language affects your concern. He says he is concerned.

John Gage – Climate policies to be introduced by Congress over 20 years? Of course not. He opposes this bill because it takes away local control. He works at a federal level to carbon price. Cost effective carbon pricing. Charge other countries through tariffs. Forty six countries price carbon. Canada looking at same – \$135 per ton. Let towns anticipate that. Vose – would remove local control? Yes, that is my objection. McGhee – You are on a town energy committee? Yes. Harrington – Stranded costs – Merchant generators, how would there be stranded costs? Answer – SB86 prevents gas heating, could become stranded. NED pipeline – he got involved. Lewicki – Who determines what science is settled, what is not? Report best science available, even Exxon. Cali-Pitts – Does legislature have right to take away bad decisions from towns? The state should not be deciding towns decisions? Fossil fuels have more money than anybody to persuade. Parshall – We are talking about energy and economic decisions. Could we as a state hold price tag for decisions? Somssich – Would this bill be an obstacle for community power? Regulations at a high level can have unintended consequences. Should local entities control since they are paying the price? Yes. McGhee – to wrap up what has been said, local control shouldn't be allowed to get in way, one size

fits all approach. As a law, decisions are now being made at a local level. Will take away that right? Yes. Vose – if I live in a town in path of highway, should my town be allowed to say no? Answer – different, transportation point to point. Generation becoming small scale. Bernardy – All types of fuel sources, wind or solar, etc. – equally covered – are you against bill in entirety, or against fossil fuels. Entirety – local control. Berezny – Would this prevent a town from generating its own electricity, how it would affect community power? Answer – town should have complete control. How would this bill restrict solar? How would bill prevent? Cali-Pitts – it would not. Town also has right to appeal to courts. Vose – what about individual rights and control? I want to install a natural gas heating system, town blocks, are you taking away my rights? Answer – there are other towns. Somssich – would you agree with me that I live in a scenic town decides to generate or buy renewable energy, would be prevented?

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill HB1148 on 2022-02-01

Support: 3 Oppose: 49 Neutral: 0 Total to Testify: 0

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<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
McGuire, Dan	Epsom, NH danmcguire@gmail.com	A Member of the Public	Myself	Support	No	No	1/27/2022 7:51 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/29/2022 4:13 PM
Hunnewell, Richard	Holderness, NH hunnewell.richard@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2022 12:11 PM
Hunnewell, Anne	Holderness, NH ahunne@roadrunner.com	A Member of the Public	Myself	Oppose	No	No	1/30/2022 12:12 PM
Beffa-Negrini, Patricia	Nelson, NH pbeffa@me.com	A Member of the Public	Myself	Oppose	No	No	1/30/2022 1:15 PM
Dolkart, Vivian	Grantham, NH viviandolkart@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2022 2:37 PM
Dontonville, Anne	Enfield, NH Ardontonville@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2022 2:51 PM
Dontonville, Roger	Enfield, NH rdontonville@gmail.com	An Elected Official	Myself	Oppose	No	No	1/30/2022 3:33 PM
Tucker, Katherine	Wilmot, NH katherine.s.tucker@valley.net	A Member of the Public	Myself	Oppose	No	No	1/30/2022 3:37 PM
Jernstedt, Margaret	Hanover, NH Margaret.Jernstedt@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2022 3:48 PM
Cranage, Amy	Grantham, NH cranhan@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2022 4:27 PM
Hegfield, Laura	Amherst, NH laurahegfield@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2022 4:39 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2022 4:41 PM

Robinson, Ellis	Grantham, NH ellismmrobinson@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2022 8:06 PM
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2022 10:20 PM
Boyle, Mary	Cornish, NH mary.n.boyle@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2022 11:04 PM
Pidgeon, Dawna	Enfield, NH dawna.pidgeon@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/31/2022 5:45 AM
Rich, Cecilia	Somersworth, NH cecilia.rich@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/31/2022 6:59 AM
Reardon, Donna	Concord, NH bugs42953@aol.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 8:37 AM
Ford Burley, Nicole	Lebanon, NH nicole.ford.burley@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 8:41 AM
Stevens, Deb	Nashua, NH debstevens4ward7@gmail.com	An Elected Official	My 10K constituents	Oppose	No	No	1/31/2022 9:01 AM
Saum, Judith	Rumney, NH judithsaum@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 10:34 AM
Abbott, Gary	Bow, NH info@agcnh.org	A Lobbyist	the Associated General Contractors of NH	Support	No	No	1/31/2022 11:51 AM
Oxenham, Lee	Plainfield, NH leexenham@comcast.net	An Elected Official	Myself	Oppose	No	No	1/31/2022 11:57 AM
Bouchard, Donald	MANCHESTER, NH donaldjbouchard@gmail.com	An Elected Official	Myself	Oppose	No	No	1/31/2022 12:36 PM
Higgins, Patricia	HANOVER, NH phiggins47@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 12:56 PM
Hamer, Heidi	Manchester, NH heidi.hamer@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/31/2022 2:13 PM
Almy, Susan	Lebanon, NH Susan.almy@comcast.net	An Elected Official	Myself	Oppose	No	No	1/31/2022 4:05 PM
Merlone, Lynn	Rindge, NH prulone@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 4:33 PM
Martin, Patricia A	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 4:33 PM
Anastasia, Patricia	Londonderry, NH patti.anastasia@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 4:34 PM

Peterson, Susan	Newton, NH susanrp@aol.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 4:59 PM
bory, lee	nashua, NH leebory@juno.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 5:08 PM
Duncan, Stan	Newton, NH standuncan@post.harvard.edu	A Member of the Public	Myself	Oppose	No	No	1/31/2022 5:27 PM
Berk, Bruce	Pittsfield, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 5:38 PM
Dutzy, Sherry	Nashua, NH sherry.dutzy@leg.state.nh.us	An Elected Official	Myself	Oppose	No	No	1/31/2022 6:09 PM
Thomas, Anne	Rindge, NH annekerosie@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 8:13 PM
Bowles, Margaret	Lyme, NH mcb2885@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 9:42 PM
wazir, Safiya	Concord, NH Swazir@leg.state.nh.us	An Elected Official	Myself and my Constituents	Oppose	No	No	1/31/2022 9:47 PM
Grassie, Chuck	Rochester, NH chuck.grassie@leg.state.nh.us	An Elected Official	Strafford 11	Oppose	No	No	1/31/2022 10:23 PM
Hamblet, Joan	Portsmouth, NH jhamblet4@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/31/2022 10:49 PM
Kuemmerle, Nancy	Enfield, NH nkuemmerle@une.edu	A Member of the Public	Myself	Oppose	No	No	1/31/2022 11:17 PM
kwasnik, joseph	concord, NH jkwasknik25@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 7:10 AM
Wells, Ken	Andover, NH kenwells3@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 8:22 AM
Smith, Nancy	Enfield, NH nancysmith8@me.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 9:03 AM
HALLOCK, LINDA	Cornish, NH lindash@mail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 9:07 AM
Dolkart, Kenneth	Grantham, NH kenneth.dolkart@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 9:09 AM
Doherty, David	Pembroke, NH ddoherty0845@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 9:17 AM
Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 9:21 AM

Gage, John	Windham, NH jhgage@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 9:48 AM
Schuett, Dianne	Pembroke, NH dianne.schuett@leg.state.nh.us	An Elected Official	Merr. 20	Oppose	No	No	2/1/2022 12:41 PM
Lemoui, Claude	Canaan, NH claude.lemoui@gmail.com	A Member of the Public	Myself	Oppose	No	No	2/1/2022 5:09 PM

HB 1148 - AS INTRODUCED

2022 SESSION

22-2360

12/10

HOUSE BILL **1148**

AN ACT relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy.

SPONSORS: Rep. Plett, Hills. 6

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill prohibits a county or municipality from restricting the types or fuel sources of energy production which may be supplied to customers.

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.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to prohibiting government entities subordinate to the state from restricting the types of fuel sources that may be used for energy.

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

1 1 New Section; Public Utilities; Preemption Over Utility Service Restrictions. Amend RSA 362
2 by inserting after section 8 the following new section:

3 362:9 Preemption Over Utility Service Restrictions.

4 I.(a) No county, town, city, village district, or unincorporated place shall enact or enforce a
5 resolution, ordinance, rule, code, policy, or take any action that restricts or prohibits or has the effect
6 of restricting or prohibiting the types or fuel sources of energy production which may be used,
7 delivered, converted, or supplied to customers.

8 (b) Notwithstanding the restrictions of this section, this section shall not prevent the
9 board of a municipality utility or other governmental entity which owns or operates and directly
10 controls an electric or natural gas utility, from adopting rules, regulations, or policies governing the
11 utility.

12 (c) This section shall not expand or alter the jurisdiction of the public utilities
13 commission or the department of energy.

14 II. Any county, town, city, village district, or unincorporated place charter, resolution,
15 ordinance, rule, code, policy, or action that is preempted by this section, and which existed on or
16 before the effective date of this act, is hereby void.

17 2 Effective Date. This act shall take effect upon its passage.