

CONSENT CALENDAR

April 21, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Science, Technology and Energy to
which was referred SB 429-FN,**

AN ACT relative to the site evaluation committee.

**Having considered the same, report the same with the
recommendation that the bill OUGHT TO PASS.**

Rep. Lex Berezhny

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Science, Technology and Energy
Bill Number:	SB 429-FN
Title:	relative to the site evaluation committee.
Date:	April 21, 2022
Consent Calendar:	CONSENT
Recommendation:	OUGHT TO PASS

STATEMENT OF INTENT

This bill makes these short-term improvements to the site evaluation committee process: (a) modifies the site evaluation committee to allow for agency designees, a quorum of five members, and expanded training; (b) requires an adequate public notice of all committee proceedings pursuant to RSA 91-A; (c) updates various fees to reflect changes previously approved by the fiscal committee; (d) clarifies that subsequent certificate holders remain responsible for associated costs; (e) authorizes the committee to impose a fine for preliminary determinations of violations of any certificate issued within RSA 162-H; (f) provides for funding of all operating costs out of the site evaluation committee fund and allows the chair of the committee to seek additional funding. These improvements were suggested by the Site Evaluation Committee Study Committee Report delivered on October 1, 2021.

Vote 20-0.

Rep. Lex Berezhny
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Science, Technology and Energy

SB 429-FN, relative to the site evaluation committee. **OUGHT TO PASS.**

Rep. Lex Berezhny for Science, Technology and Energy. This bill makes these short-term improvements to the site evaluation committee process: (a) modifies the site evaluation committee to allow for agency designees, a quorum of five members, and expanded training; (b) requires an adequate public notice of all committee proceedings pursuant to RSA 91-A; (c) updates various fees to reflect changes previously approved by the fiscal committee; (d) clarifies that subsequent certificate holders remain responsible for associated costs; (e) authorizes the committee to impose a fine for preliminary determinations of violations of any certificate issued within RSA 162-H; (f) provides for funding of all operating costs out of the site evaluation committee fund and allows the chair of the committee to seek additional funding. These improvements were suggested by the Site Evaluation Committee Study Committee Report delivered on October 1, 2021. **Vote 20-0.**

Original: House Clerk

Cc: Committee Bill File

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on SB 429-FN

BILL TITLE: relative to the site evaluation committee.

DATE: April 19, 2022

LOB ROOM: 306-308

MOTIONS: OUGHT TO PASS

Moved by Rep. Berezhny

Seconded by Rep. Notter

Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep Fred Plett, Clerk



2022 SESSION

Science, Technology and Energy

Bill #: 429-F1 Motion: OTP AM #: _____ Exec Session Date: 9/19/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Vose, Michael Chairman	✓		
Thomas, Douglas W. Vice Chairman	✓		
Harrington, Michael D.	✓		
Notter, Jeanine M.	✓		
Merner, Troy E.	✓		
Plett, Fred R. Clerk	✓		
Berezhny, Lex	✓		
Bernardy, JD	✓		
Cambrils, Jose E.	⊗		✓
Ploszaj, Tom	✓		
White, Nick D.	✓		
Somssich, Peter F.	✓		
Cali-Pitts, Jacqueline A.	✓		
Mann, John E.	✓		
Oxenham, Lee Walker			✓
Lewicke, John	✓		
Vincent, Kenneth S. <i>Kelly, Kanner</i>	✓		
McGhee, Kat	✓		
McWilliams, Rebecca J.	✓		
Chretien, Jacqueline H.	✓		
Pimentel, Roderick L. <i>La Flame, Larry</i>	✓		



2022 SESSION

Science, Technology and Energy

Bill #: 429-KL Motion: OTB AM #: _____ Exec Session Date: 1/10/22

Parshall, Lucius

TOTAL VOTE:

	✓		
	20	0	2

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON SB 429-FN

BILL TITLE: relative to the site evaluation committee.

DATE: April 11, 2022

LOB ROOM: 306-308 **Time Public Hearing Called to Order:** 3:00 p.m.

Time Adjourned: 4:10 p.m.

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

Bill Sponsors:

Sen. Giuda
Rep. Harrington

Sen. Watters
Rep. Vose

Sen. Ward
Rep. Leishman

TESTIMONY

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

Senator Guida – Bill product of committee meeting over summer. Report dated October 2021. Modifies so designees can substitute for commissioners. Changes quorum down to 5, incorporates training, required adequate notice pursuant to 91-A. Updates fees. Authorizes committee to impose fees pursuant to 162-H. Fees sporadic. Rep; Vose and Harrington served and are cosponsors. Thomas as Acting Chair asked for questions. McGhee – Page 2 line 19 speak to us about various pricing structures. Leave to subsequent testimony. Concern about widely different numbers for different technologies. Q. Line 21 1 through 5 \$1,200 per MW vs. \$120 MW gas. Berezhny – all amounts increased by 20%. Harrington - Original numbers came original Site Evaluation Committee set up, we increased for inflation. Higher costs for renewables are due to smaller size. McWilliams – technical question – why put dollars without a percent increase per year, say 3%? Answer – volatility would not lead to be steady state. Vose – did SEC study committee find hadn't been changed since 2015? Yes. Cali-Pitts – if a problem with application, a group of individuals petition the SEC to take over, would be same fees? No. Set threshold lower but high enough to avoid nuisance complaints. Somssich – Number 1 \$1,200 per MW Wind, \$1,200 per MW renewable, those 2 are renewables, ten-times others? Why? Answer – referred to others. McGhee – Number 5 added, renewables, also at \$1,200. Vose – Cost f evaluating – smaller size. Berezhny – one theory less MW than others,

Mark Sanborn, DES. Support. He will check with Commissioner Scott for answers to disparate pricing. He fully believes it has to do with costs. Challenges recruiting here – SEC is attached to PUC – It requires an attorney with energy background, experience, staff of 1. Salary a problem. McGhee – independence is also a concern. Answer – supports restructuring totally. Vose - forwarded to all of you Tom Getz article. Going forward it could disappear totally with admin support from DOE, adjudication by NHPUC.

John Tuthill – Non-germane – no capacity concerns for quite a while. We've gotten to point of waste management is a duopoly. Could it be a site evaluation committee?

Blue sheet 6 support, 29 oppose.

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill SB429 on 2022-04-11

Support: 6 Oppose: 25 Neutral: 0 Total to Testify: 0

[Export to Excel](#)

<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>
Ward, Senator	Stoddard, NH ruth.ward@leg.state.nh.us	An Elected Official	Senate District 8	Support	No	No	3/30/2022 12:45 PM
Watters, Senator David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	3/30/2022 2:38 PM
Field, Bryan	PETERBOROUGH, NH brysciguy@gmail.com	A Member of the Public	Myself	Support	No	No	4/9/2022 8:11 AM
Liebowitz, Susan	Plainfield, NH supawli@hotmail.com	A Member of the Public	Myself	Oppose	No	No	4/9/2022 9:45 AM
Saum, Judith	Rumney, NH judithsaum@gmail.co,	A Member of the Public	Myself	Oppose	No	No	4/10/2022 7:17 AM
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 11:04 AM
Crandell-Glass, Jane	Cornish, NH bostonjane@me.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 11:12 AM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/10/2022 12:51 PM
Keeler, Margaret	New London, NH peg5keeler@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 2:32 PM
Hackmann, Kent	Andover, NH hackmann@uidaho.edu	A Member of the Public	Myself	Oppose	No	No	4/10/2022 3:28 PM
Fudge, Kim Marie	NORTH CONWAY, NH kimfudge20@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 3:48 PM
Hurley, Paula	Concord, NH graffymanor@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/10/2022 3:58 PM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 4:02 PM

MacGregor, Leslie	Grantham, NH lsmacgregor@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 4:34 PM
Winslow, Dalton	Grantham, NH dwinslow04736@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 4:35 PM
Cahill-Yeaton, Miriam	Epsom, NH nmyeaton.mims@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 5:17 PM
Keegan, jJohn	Boscawen, NH peoresnada@tds.net	A Member of the Public	Myself	Oppose	No	No	4/10/2022 5:59 PM
Moore, Ellen	Danville, NH elliemore@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/10/2022 7:53 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2022 8:12 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 8:27 PM
kwasnik, joseph	concord, NH jkwasnik25@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 8:44 PM
Perencevich, Ruth	Concord, NH rperence@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/10/2022 9:12 PM
Hershey, Jane	Rindge, NH janelhershey@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 9:30 PM
Thomas, Anne	Rindge, NH annethomasjazz@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 10:21 PM
Hayes, Randy	Canterbury, NH rcomposetr@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 10:39 PM
Reed, Barbara	North Swanzey, NH BDReed74@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2022 11:54 PM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Support	No	No	4/11/2022 5:22 AM
Ellermann, Maureen	Concord, NH ellermannf@aol.com	A Member of the Public	Myself	Oppose	No	No	4/11/2022 6:53 AM
Lucas, Janet	Campton, NH janluca1953@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/11/2022 6:59 AM
Dewey, Karen	NEWPORT, NH pkdewey@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/11/2022 7:10 AM
Baucom, Pam	Walpole, NH ptubridybaucom@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/11/2022 7:49 AM

Archived: Tuesday, May 24, 2022 10:40:34 AM
From: [Jerry Beck](#)
Sent: Sunday, April 17, 2022 8:41:47 PM
To: [~House Science Technology and Energy](#)
Subject: Bills being considered by the House Science, Technology & Energy Committee
Importance: Normal

Dear members of the House Science, Technology & Energy Committee,

I hope you got to watch 60 Minutes last Sunday. There was an article on VW and a glimpse into the future of transportation. They see the writing on the wall and are committed to transitioning to electric vehicles, as quickly as possible. They must, to stay viable. It is happening. "Electrifying everything" is happening. Change is hard. Leadership is necessary. Your committee must provide that leadership. I urge you to look at the science and do everything possible to facilitate the change that is coming. The sooner that New Hampshire embraces the new reality, the better it will be for NH businesses, NH citizens and the planet.

Please support SB263, SB265, SB321, SB448, SB263 and oppose SB429.

Respectfully,
Gerald Beck
Holderness, NH

Archived: Tuesday, May 24, 2022 10:40:36 AM
From: [Susan Richman](#)
Sent: Sunday, April 10, 2022 7:49:41 PM
To: ~House Science Technology and Energy
Subject: In OPPOSITION to SB 429: Relative to the Site Evaluation Committee
Importance: Normal

Dear Chairman Vose and members of the House Committee on Science, Technology and Energy,

Thank you for accepting this written testimony in opposition to SB 429: Relative to the Site Evaluation Committee.

The basic premise of the bill is laudable, that a site evaluation committee exists and is annually trained on “reviewing and evaluating applications for a certificate of site and facility, *as well as training regarding energy infrastructure.*”

However, SB 429 also establishes a fee schedule which imposes fees that are far greater on renewable energy sources than on fossil fuels:

- (1) [~~\$1,000~~] **\$1,200** per megawatt for the first 40 megawatts, and [~~\$1,500~~] **\$1,800** per megawatt for each megawatt in excess of 40 megawatts, for any wind energy system.
- (2) [~~\$100~~] **\$120** per megawatt, for any natural gas or biomass fueled facility.
- (3) [~~\$150~~] **\$180** per megawatt, for any coal or oil fueled facility.
- (4) [~~\$200~~] **\$240** per megawatt, for any nuclear generation facility.
- (5) ***\$1,200 per megawatt, for renewable energy generation facilities.***

NH needs to encourage development of our state’s own renewable energy generation infrastructure, to keep dollars from flowing out of the state to purchase fossil fuels. We need to support local jobs in renewable energy technologies and applications. We need to limit the asthma-causing pollution that comes from burning fossil fuels. We need to help diminish carbon emissions that contribute to climate alteration.

The fee structure of this bill is bad for New Hampshire’s business, health and energy future.

Please vote SB 429 as Inexpedient to Legislate. Thank you for your consideration.

Sincerely,

Susan Richman

16 Cowell Drive
Durham, NH 03824
susan7richman@gmail.com 603 868 2758

Sent from [Mail](#) for Windows

SB 429-FN - AS AMENDED BY THE SENATE

02/16/2022 0592s

2022 SESSION

22-2966
07/10

SENATE BILL **429-FN**

AN ACT relative to the site evaluation committee.

SPONSORS: Sen. Giuda, Dist 2; Sen. Watters, Dist 4; Sen. Ward, Dist 8; Rep. Harrington, Straf. 3; Rep. Vose, Rock. 9; Rep. Leishman, Hills. 24

COMMITTEE: Energy and Natural Resources

AMENDED ANALYSIS

This bill:

I. Modifies the site evaluation committee to allow for agency designees, a quorum of 5 members, and expanded training.

II. Requires an adequate public notice of all committee proceedings pursuant to RSA 91-A.

III. Updates various fees to reflect changes previously approved by the fiscal committee.

IV. Clarifies that subsequent certificate holders remain responsible for associated costs.

V. Authorizes the committee to impose a fine for preliminary determinations of violations of any certificate issued within RSA 162-H.

VI. Provides for funding of all operating costs out of the site evaluation committee fund and allows the chair of the committee to seek additional funding.

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 the site evaluation committee.

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

1 1 Energy Facility Evaluation, Siting, Construction and Operation; Site Evaluation Committee
2 Established; Certain Designees Allowed. Amend RSA 162-H:3, I to read as follows:

3 I. There is hereby established a committee to be known as the New Hampshire site
4 evaluation committee consisting of 9 members, as follows:

5 (a) The commissioners of the public utilities commission, the chairperson of which shall
6 be the chairperson of the committee;

7 (b) The commissioner of the department of environmental services, who shall be the
8 vice-chairperson of the committee, *the commissioner may appoint a designee, but such*
9 *designee shall not serve as vice-chairperson;*

10 (c) The commissioner of the department of business and economic affairs or designee;

11 (d) The commissioner of the department of transportation, *or designee;*

12 (e) The commissioner of the department of natural and cultural resources, the director of
13 the division of historical resources, or designee; and

14 (f) Two members of the public, appointed by the governor, with the consent of the
15 council, in accordance with RSA 162-H:4-b, III.

16 2 Energy Facility Evaluation, Siting, Construction and Operation; Site Evaluation Committee
17 Established; Number of Members Modified. Amend RSA 162-H:3, III to read as follows:

18 III. [~~Seven~~] *Five* members of the committee shall constitute a quorum for the purpose of
19 conducting the committee's business.

20 3 Energy Facility Evaluation, Siting, Construction and Operation; Site Evaluation Committee
21 Established; Modifications to Mandatory Training. Amend RSA 162-H:3, VII to read as follows:

22 VII. All committee members *and designees* shall on an annual basis complete [~~an~~] *a*
23 *comprehensive* intensive training program on the provisions of RSA 162-H and the administrative
24 rules adopted thereunder with respect to reviewing and evaluating applications for a certificate of
25 site and facility, *as well as training regarding energy infrastructure*. All new committee
26 members, and any designee to a subcommittee pursuant to RSA 162-H:4-a, II or III, shall complete
27 the training program prior to serving on, respectively, any committee or subcommittee proceeding.
28 The *legal* training shall be conducted by the department of justice *and the training regarding*
29 *energy infrastructure shall be conducted by the department of energy*.

30 4 Energy Facility Evaluation, Siting, Construction and Operation; Powers and Duties of the
31 Committee; Public Comment Required. Amend RSA 162-H:4, II to read as follows:

1 II. The committee shall hold hearings as required by this chapter and such additional
 2 hearings as it deems necessary and appropriate *and in addition to the requirements under RSA*
 3 *91-A, ensure adequate and timely public notice of no less than 7 calendar days.*

4 5 Energy Facility Evaluation, Siting, Construction and Operation; Application and Filing Fees.
 5 Amend RSA 162-H:8-a to read as follows:

6 162-H:8-a Application and Filing Fees.

7 I. Except as provided in paragraph IV, a person filing with the committee an application for
 8 a certificate for an energy facility, a petition for jurisdiction, a request for exemption, or any other
 9 petition or request for the committee to take action, shall pay to the committee at the time of filing a
 10 fee determined in accordance with the fee schedule described in paragraph II. If an application for a
 11 certificate for an energy facility is deemed incomplete pursuant to RSA 162-H:7, VI, and a new
 12 application is submitted thereunder, the ~~unearned~~ *unused* portion of the initial application fee
 13 shall be refunded to the applicant or credited to the filing of the new application. The committee
 14 may in its discretion provide for a credit or refund in other circumstances that are unforeseen by the
 15 applicant.

16 II. The fees under paragraph I shall be determined in accordance with a fee schedule posted
 17 by the committee on its website, which shall include the following amounts, subject to subsequent
 18 modification under paragraph III:

19 (a) Application fee for electric generation facilities: ~~[\$50,000]~~ *\$60,000* base charge, *and*
 20 *\$20,000 for a certificate monitoring and compliance charge*, plus:

21 (1) ~~[\$1,000]~~ *\$1,200* per megawatt for the first 40 megawatts, and ~~[\$1,500]~~ *\$1,800* per
 22 megawatt for each megawatt in excess of 40 megawatts, for any wind energy system.

23 (2) ~~[\$100]~~ *\$120* per megawatt, for any natural gas or biomass fueled facility.

24 (3) ~~[\$150]~~ *\$180* per megawatt, for any coal or oil fueled facility.

25 (4) ~~[\$200]~~ *\$240* per megawatt, for any nuclear generation facility.

26 (5) *\$1,200 per megawatt, for renewable energy generation facilities.*

27 (b) Application fee for transmission facilities: ~~[\$50,000]~~ *\$60,000* base charge, *and*
 28 *\$20,000 for a certificate monitoring and compliance charge*, plus:

29 (1) ~~[\$3,000]~~ *\$3,600* per mile, for any electric transmission facility.

30 (2) ~~[\$1,500]~~ *\$1,800* per mile, for any natural gas pipeline.

31 (c) Application fee for other energy facilities: ~~[\$50,000]~~ *\$60,000* fee *and \$20,000 for a*
 32 *certificate monitoring and compliance charge.*

33 (d) Filing fees for administrative proceedings:

34 (1) Petition for committee jurisdiction: ~~[\$10,500]~~ *\$12,600.*

35 (2) Petition for declaratory ruling: ~~[\$10,500]~~ *\$12,600*, or ~~[\$3,000]~~ *\$3,600* if heard by a
 36 3-member subcommittee.

1 (3) Certificate transfer of ownership: [~~\$10,500~~] \$12,600, or [~~\$3,000~~] \$3,600 if heard
2 by a 3-member subcommittee.

3 (4) Request for exemption: [~~\$10,500~~] \$12,600, or [~~\$3,000~~] \$3,600
4 if heard by a 3-member subcommittee.

5 (5) Request to modify a certificate: [~~\$10,500~~] \$12,600, or [~~\$3,000~~] \$3,600 if heard by
6 a 3-member subcommittee.

7 *II-a. All certificate monitoring and compliance charges shall be deposited in the*
8 *site evaluation committee fund established in RSA 162-H:21 and shall be non-lapsing and*
9 *accounted for as a separate line item.*

10 III. The committee shall review and evaluate the application fees and filing fees in the fee
11 schedule in paragraph II at least once each year. The committee may increase or decrease any
12 amount in the fee schedule by up to 20 percent [~~with prior approval of the fiscal committee of the~~
13 ~~general court,~~] provided that any such increase or decrease shall occur not more frequently than once
14 during any 12-month period. Modifications to the fee schedule shall be posted on the committee
15 website, with a link prominently displayed on the home page.

16 IV. Notwithstanding paragraph I, a petition for committee jurisdiction filed by a petitioner
17 as defined in RSA 162-H:2, XI(a), (b), or (c) for a certificate for an energy facility shall not be subject
18 to a filing fee. If the committee determines that it has jurisdiction over a proposed energy facility
19 subject to any such petition, then the owner of the proposed energy facility shall be required to pay
20 to the committee the petition for jurisdiction fee, in addition to the application fee determined in
21 accordance with paragraph II for the type and size of the proposed energy facility.

22 6 Energy Facility Evaluation, Siting, Construction and Operation; Counsel for the Public;
23 Administrative Proceedings Included. Amend RSA 162-H:9, I to read as follows:

24 I. *The chair or the administrator shall notify the attorney general of all*
25 *administrative proceedings. The attorney general may appoint an assistant attorney*
26 *general as counsel for the public in administrative proceedings.* Upon notification that an
27 application for a certificate has been filed with the committee in accordance with RSA 162-H:7, the
28 attorney general shall appoint an assistant attorney general as a counsel for the public. The counsel
29 shall represent the public in seeking to protect the quality of the environment and in seeking to
30 assure an adequate supply of energy. The counsel shall be accorded all the rights and privileges, and
31 responsibilities of an attorney representing a party in formal action and shall serve until the
32 decision to issue or deny a certificate is final.

33 7 Energy Facility Evaluation, Siting, Construction and Operation; Public Hearing; Studies;
34 Rules; Including Certificate Holders in Cost Responsibility. Amend RSA 162-H:10, V to read as
35 follows:

36 V. The site evaluation committee and counsel for the public shall conduct such reasonable
37 studies and investigations as they deem necessary or appropriate to carry out the purposes of this

1 chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of
2 the duties imposed by this chapter, the cost of which shall be borne by the applicant *or certificate*
3 *holder* in such amount as may be approved by the committee. The site evaluation committee and
4 counsel for the public are further authorized to assess the applicant *or certificate holder* for all
5 travel and related expenses associated with the processing of an application *or other proceedings*
6 under this chapter.

7 8 Energy Facility Evaluation, Siting, Construction and Operation; Enforcement; Imposition of
8 Fine Allowed. Amend RSA 162-H:12, I to read as follows:

9 I. Whenever the committee, or the administrator as designee, *makes a preliminary*
10 *determination* [~~determines~~] that any term or condition of any certificate issued under this chapter
11 is being violated, it shall, in writing, notify the [~~person holding the certificate~~] *certificate holder* of
12 the specific violation and order the person to immediately terminate the violation. If, 15 days after
13 receipt of the order, the person has failed or neglected to terminate the violation, the committee may
14 suspend the person's certificate, *or impose a fine not to exceed \$10,000 per day until the*
15 *violation is corrected*. Except for emergencies, prior to any suspension, the committee shall give
16 written notice of its consideration of suspension and of its reasons therefor and shall provide
17 opportunity for a prompt hearing.

18 9 Energy Facility Evaluation, Siting, Construction and Operation; Enforcement; Certificate
19 Clarification. Amend RSA 162-H:12, II to read as follows:

20 II. The committee may suspend a [~~person's~~] certificate if the committee determines that
21 [~~the~~] a person has made a material misrepresentation in the application or, in the supplemental or
22 additional statements of fact or studies required of the applicant, or if the committee determines
23 that the person has violated the provisions of this chapter or any rule adopted under this chapter.
24 Except for emergencies, prior to any suspension, the committee shall give written notice of its
25 consideration of suspension and of its reasons therefor and shall provide an opportunity for a prompt
26 hearing.

27 10 Energy Facility Evaluation, Siting, Construction and Operation; Fund Established; Funding
28 Plan; Operating and Support Costs Included. RSA 162-H:21 is repealed and reenacted to read as
29 follows:

30 162-H:21 Fund Established; Funding Plan. There is hereby established in the office of the state
31 treasurer a nonlapsing, special fund to be known as the site evaluation committee fund. All
32 application and other filing fees received by the committee under 162-H:8-a shall be deposited in the
33 fund. All moneys in the fund shall be continually appropriated to the site evaluation committee and
34 shall only be used to pay for operating costs of the committee, including but not limited to,
35 compensation and reimbursements made under RSA 162-H:22 for energy facility proceeding time
36 and expenses, and administrator and other committee support costs under RSA 162-H:3, VII and
37 RSA 162-H:3-a, except those costs paid by applicants under RSA 162-H:10. In the event lawful

1 expenditures in a fiscal year are greater than the total fees and charges held in the site evaluation
2 committee fund, the chair of the site evaluation committee may request, with prior approval of the
3 fiscal committee that the governor and council authorize additional funding from general funds not
4 otherwise appropriated.

5 11 Effective Date.

6 I. Section 6 of this act shall take effect January 1, 2023.

7 II. Sections 5, 8, and 10 of this act shall take effect July 1, 2022.

8 III. The remainder of this act shall take effect 60 days after its passage.

**SB 429-FN- FISCAL NOTE
 AS INTRODUCED**

AN ACT relative to the site evaluation committee.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Expenditures	\$0	Indeterminable	Indeterminable	Indeterminable
Funding Source:	<input checked="" type="checkbox"/> General Evaluation Committee Fund <input type="checkbox"/> Education <input type="checkbox"/> Highway <input checked="" type="checkbox"/> Other - Site			

METHODOLOGY:

This bill modifies the site evaluation committee to allow for agency designees, a quorum of 5 members, and expanded training and requires an opportunity for public comment at all public hearings and meetings and notice to the attorney general of all committee proceedings. The bill also updates various fees, removes the requirement for fiscal committee approval of fee increases or decreases, clarifies that subsequent certificate holders remain responsible for associated costs and authorizes the committee to impose a fine for preliminary determinations of violations of any certificate issued within RSA 162-H. In addition, the bill provides for funding of all operating costs out of the site evaluation committee fund and allows the chair of the committee to request additional general funds upon approval of the fiscal committee that the governor and council.

The Site Evaluation Committee (SEC) indicates this bill increases the filing fees listed in RSA 162-H:8-a, and authorizes the SEC to impose fines. The SEC states, it is not possible to project the fiscal impact because the impact will depend on the circumstances surrounding specific cases. The bill allows the SEC, with the prior approval of the Fiscal Committee and Governor and Council, to utilize General Funds for lawful expenses which cannot be met with the balance of the SEC fund. This provision would codify a budget footnote to the SEC operating budget that has been included in the State operating budget since FY 2020. The SEC indicates it is not possible to estimate the need for General Funds given the variant nature of SEC filings.

The Department of Justice indicates this bill would have no fiscal impact on its operations.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Site Evaluation Committee and Department of Justice