

LEGISLATIVE COMMITTEE MINUTES

**SB256**

# Bill as Introduced

SB 256 - AS INTRODUCED

2022 SESSION

22-2851

12/04

SENATE BILL **256**

AN ACT establishing a committee to study the feasibility of replacing the site evaluation committee.

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

COMMITTEE: Energy and Natural Resources

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ANALYSIS

This bill establishes a committee to study the feasibility of replacing the site evaluation committee.

This bill is a request of the committee to study necessary revisions to the site evaluation committee pursuant to 2021, 91:228.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 establishing a committee to study the feasibility of replacing the site evaluation committee.

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

1 1 Committee Established. There is established a committee to study the feasibility of replacing  
2 the site evaluation committee.

3 2 Membership and Compensation.

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

5 (a) Two members of the senate, appointed by the president of the senate.

6 (b) Three members of the house of representatives, one of whom shall be a member of  
7 the house science, technology and energy committee and one of whom shall be a member of the house  
8 finance committee, appointed by the speaker of the house of representatives; and one of whom shall  
9 be a member of the minority party, appointed by the leader of the minority party.

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

12 3 Duties. The committee shall study:

13 I. The feasibility of replacing the site evaluation committee with an office of energy siting,  
14 within the New Hampshire department of energy, to handle all preliminary siting activities and  
15 authorizing the public utilities commission to act as a final adjudicative body.

16 II. The current structure, process, authority, funding, and functions of the site evaluation  
17 committee.

18 III. The structure, process, authority, funding, and function of public bodies that oversee  
19 energy siting in other states.

20 IV. The role of the New Hampshire department of energy in any future energy siting process  
21 in New Hampshire.

22 V. The ability of the public utilities commission to assume the adjudicative functions of  
23 energy siting in New Hampshire.

24 4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
25 among the members. The first meeting of the committee shall be called by the first-named senate  
26 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
27 section. Three members of the committee shall constitute a quorum.

28 5 Report. The committee shall report its findings and any recommendations for proposed  
29 legislation to the president of the senate, the speaker of the house of representatives, the senate  
30 clerk, the house clerk, the governor, and the state library on or before October 15, 2022.

1        6 Effective Date. This act shall take effect upon its passage.

CHAPTER 128  
SB 256 - FINAL VERSION

2022 SESSION

22-2851  
12/04

SENATE BILL

***256***

AN ACT

establishing a committee to study the feasibility of replacing the site evaluation committee.

SPONSORS:

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

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CHAPTER 128  
SB 256 - FINAL VERSION

22-2851  
12/04

STATE OF NEW HAMPSHIRE

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

AN ACT                    establishing a committee to study the feasibility of replacing the site evaluation committee.

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

1            128:1 Committee Established. There is established a committee to study the feasibility of replacing  
2 the site evaluation committee.

3            128:2 Membership and Compensation.

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

5                    (a) Two members of the senate, appointed by the president of the senate.

6                    (b) Three members of the house of representatives, one of whom shall be a member of the  
7 house science, technology and energy committee and one of whom shall be a member of the house  
8 finance committee, appointed by the speaker of the house of representatives; and one of whom shall be a  
9 member of the minority party, appointed by the leader of the minority party.

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

12            128:3 Duties. The committee shall study:

13            I. The feasibility of replacing the site evaluation committee with an office of energy siting, within  
14 the New Hampshire department of energy, to handle all preliminary siting activities and authorizing the  
15 public utilities commission to act as a final adjudicative body.

16            II. The current structure, process, authority, funding, and functions of the site evaluation  
17 committee.

18            III. The structure, process, authority, funding, and function of public bodies that oversee energy  
19 siting in other states.

20            IV. The role of the New Hampshire department of energy in any future energy siting process in  
21 New Hampshire.

22            V. The ability of the public utilities commission to assume the adjudicative functions of energy  
23 siting in New Hampshire.

24            128:4 Chairperson; Quorum. The members of the study committee shall elect a chairperson from  
25 among the members. The first meeting of the committee shall be called by the first-named senate  
26 member. The first meeting of the committee shall be held within 45 days of the effective date of this  
27 section. Three members of the committee shall constitute a quorum.

28            128:5 Report. The committee shall report its findings and any recommendations for proposed  
29 legislation to the president of the senate, the speaker of the house of representatives, the senate clerk,  
30 the house clerk, the governor, and the state library on or before October 15, 2022.

128:6 Effective Date. This act shall take effect upon its passage.

**CHAPTER 128**  
**SB 256 - FINAL VERSION**  
**- Page 2 -**

Approved: May 27, 2022  
Effective Date: May 27, 2022



# Committee Minutes

# SENATE CALENDAR NOTICE

## Energy and Natural Resources

Sen Kevin Avard, Chair  
 Sen Bob Giuda, Vice Chair  
 Sen James Gray, Member  
 Sen David Watters, Member  
 Sen Rebecca Perkins Kwoka, Member

Date: January 20, 2022

### HEARINGS

	Tuesday	01/25/2022
	(Day)	(Date)
Energy and Natural Resources		9:00 a.m.
(Name of Committee)		(Time)
	State House 103	
	(Place)	
9:00 a.m.	<b>SB 256</b>	establishing a committee to study the feasibility of replacing the site evaluation committee.
9:15 a.m.	<b>SB 258-FN-LOCAL</b>	relative to the graves of African Americans alive during the period of American enslavement.
9:30 a.m.	<b>SB 261-FN</b>	relative to net metering participation.
9:45 a.m.	<b>SB 269-FN</b>	relative to the New Hampshire weatherization program.
10:00 a.m.	<b>SB 396-FN</b>	relative to solid waste management.

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 256**

Sen. Giuda  
 Rep. Vose

Sen. Watters  
 Rep. Harrington

Sen. Ward

Rep. Leishman

**SB 258-FN-LOCAL**

Sen. Watters  
 Sen. Cavanaugh  
 Sen. Whitley  
 Sen. Kahn

Sen. D'Allesandro  
 Sen. Carson  
 Sen. Prentiss  
 Rep. DiLorenzo

Sen. Gannon  
 Sen. Bradley  
 Sen. Hennessey  
 Rep. Harriott-Gathright

Sen. Sherman  
 Sen. Rosenwald  
 Sen. Perkins Kwoka

**SB 261-FN**

Sen. Gray

Sen. Avard

Sen. Giuda

**SB 269-FN**

Sen. Avard

Sen. Watters

**SB 396-FN**

Sen. Cavanaugh

Sen. Sherman

Rep. Bixby

Sen. Bradley

Sen. Rosenwald

Sen. Rosenwald

Sen. Soucy

Rep. Memer

Sen. Carson

Sen. Soucy

Sen. Watters

Rep. Amanda Bouldin

Rep. Egan

Sen. Perkins Kwoka

Sen. Prentiss

Sen. Hennessey

Rep. Andrew Bouldin

Daley Frenette 271-3042

Kevin A. Avard

Chairman

# Senate Energy and Natural Resources Committee

*Daley Frenette 271-3042*

**SB 256**, establishing a committee to study the feasibility of replacing the site evaluation committee.

**Hearing Date:** January 25, 2022

**Members of the Committee Present:** Senators Avard, Giuda, Gray and Watters

**Members of the Committee Absent :** Senator Perkins Kwoka

**Bill Analysis:** This bill establishes a committee to study the feasibility of replacing the site evaluation committee.

This bill is a request of the committee to study necessary revisions to the site evaluation committee pursuant to 2021, 91:228.

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**Sponsors:**

Sen. Giuda  
Rep. Leishman

Sen. Watters  
Rep. Vose

Sen. Ward  
Rep. Harrington

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**Who supports the bill:** Senator Bob Giuda, Senate District 2, Senator Ruth Ward, Senate District 8, Phil Hatcher, Lisa Demaine, Greg Moore, Americans for Prosperity NH, Julia Thompson, Joseph Kwasnik, James Verschueren, Bruce Berk, Jeanne Torpey, Susan Richman, Kristine Baber, Donna Reardon.

**Who opposes the bill:** None.

**Who is neutral on the bill:** None.

**Summary of testimony presented:**

Senator Giuda, Senate District 2

- SB 256 grew out of a committee on which Senator Giuda and Senator Watters served. The Committee studied necessary revisions to the site evaluation committee (SEC) that was based on inefficiencies and other issues that have come to light. The bill is based on recommendations found on the last page of the report on those inefficiencies.
- The bill establishes a committee to study the potential of removing the SEC as New Hampshire's main energy facility siting entity and replacing it with an

Office of Energy Siting within the newly formed Department of Energy. The Public Utilities Commission will act as the final adjudicative body.

- The committee would study the current structure, process, authority, funding, and functions of the SEC and the structure, process, authority, funding, and function of public bodies that oversee energy siting in other states, the role of the Department of Energy in any future energy siting process in NH, and the ability of the PUC to assume the adjudicative functions of energy siting.
- One of the problems with the SEC is that its workload is very inconsistent. It may go one or two years with no workload and subsequently receive two or three proposals. The task of funding and staffing the SEC is problematic. Having an office within the Department of Energy is something worth considering.
- Senator Watters asked a question on behalf of Senator Perkins Kwoka. He asked if the Department of Energy would have permit granting authority for energy assistance systems within the same scope as the existing SEC or would that be an open question for the study committee. Senator Giuda believes that would be an open question for the study committee. The concern regarding this was more about investigations and compliance issues, however the siting remains to be determined and would be something the study committee would investigate. What was discussed in the study committee was using the different agencies of the state that already do permitting. For example, DES when siting a location and then allowing them to do an independent assessment. Each department would perform functions they already fulfill regularly and use the office within the Department of Energy as a gathering point for decisions.
- Senator Watters stated there may be cause for concern if the SEC was replaced with an office in the Department of Energy because it may not be as dispassionate or uninfluenced in comparison to if it was an independent entity. Senator Giuda acknowledged that this may be an issue. However, he believes the role of the Department of Energy would be to act as the gathering function for all the different permits that would be necessary. The responsibility of adjudication and issuance of the permits would fall to the PUC; however, this will be a topic of intense review.
- Senator Avard asked if the executive branch had looked at the legislation or given an opinion on the matter. Senator Giuda clarified that the acting commissioner of the Department of Energy supported the legislation.

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Date Hearing Report completed: January 28, 2022

# Speakers



# Senate Remote Testify

## Energy and Natural Resources Committee Testify List for Bill SB256 on 2022-01

Support: 12 Oppose: 0

<b><u>Name</u></b>	<b><u>Title</u></b>	<b><u>Representing</u></b>	<b><u>Position</u></b>
Ward, Senator Ruth	An Elected Official	Senate District 8	Support
Hatcher, Phil	A Member of the Public	Myself	Support
Demaine, Lisa	A Member of the Public	Myself	Support
Moore, Greg	A Lobbyist	Americans for Prosperity-New Hampshire	Support
thompson, julia	A Member of the Public	Myself	Support
kwasnik, joseph	A Member of the Public	Myself	Support
Verschueren, James'	A Member of the Public	Myself	Support
Berk, Bruce	A Member of the Public	Myself	Support
Torpey, Jeanne	A Member of the Public	Myself	Support
Richman, Susan	A Member of the Public	Myself	Support
Baber, Kristine	A Member of the Public	Myself	Support
Reardon, Donna	A Member of the Public	Myself	Support



# Voting Sheets

# Senate Energy & Natural Resources Committee

## EXECUTIVE SESSION RECORD

### 2021-2022 Session

Bill # 25C

Hearing Date: 1/25

Executive Session Date: 1/25

Motion of: Act OTP Vote: 4-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Avard, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Giuda, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Gray	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Watters	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Perkins Kwoka	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Sen Giuda

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

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Tuesday, January 25, 2022

THE COMMITTEE ON Energy and Natural Resources

to which was referred **SB 256**

AN ACT

establishing a committee to study the feasibility of  
replacing the site evaluation committee.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 4-0

Senator Bob Giuda  
For the Committee

Daley Frenette 271-3042

**ENERGY AND NATURAL RESOURCES**

**SB 256**, establishing a committee to study the feasibility of replacing the site evaluation committee.

Ought to Pass, Vote 4-0.

Senator Bob Giuda for the committee.

# Docket of SB256

**Bill Title:** establishing a committee to study the feasibility of replacing the site evaluation committee.

*Official Docket of SB256.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
12/14/2021	S	To Be <b>Introduced</b> 01/05/2022 and Referred to Energy and Natural Resources; <b>SJ 1</b>
1/20/2022	S	<b>Hearing:</b> 01/25/2022, Room 103, SH, 09:00 am; <b>SC 4</b>
1/27/2022	S	Committee Report: Ought to Pass, 02/03/2022; <b>SC 5</b>
2/3/2022	S	<b>Ought to Pass:</b> MA, VV; OT3rdg; 02/03/2022; <b>SJ 2</b>
3/23/2022	H	Introduced 03/17/2022 and referred to Science, Technology and Energy
3/30/2022	H	Public Hearing: 04/05/2022 09:00 am LOB 306-308
4/15/2022	H	Executive Session: 04/05/2022 09:00 am LOB 306-308
4/15/2022	H	Committee Report: Ought to Pass (Vote 20-1; CC)
5/4/2022	H	<b>Ought to Pass:</b> MA VV 05/04/2022 <b>HJ 11</b>
5/24/2022	S	Enrolled Adopted, VV, (In recess 05/12/2022); <b>SJ 13</b>
5/24/2022	H	Enrolled (in recess of) 05/12/2022 <b>HJ 13</b>
6/1/2022	S	Signed by the Governor on 05/27/2022; Chapter 0128; Effective 05/27/2022

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NH House

NH Senate

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# Other Referrals

## Senate Inventory Checklist for Archives

Bill Number: SB 256

Senate Committee: Energy

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

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

- Bill version as it came to the committee  
 All Calendar Notices  
 Hearing Sign-up sheet(s)  
 Prepared testimony, presentations, & other submissions handed in at the public hearing  
 Hearing Report  
 Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

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

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

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

- Executive Session Sheet  
 Committee Report

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

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

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

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


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

- \_\_\_ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):  
\_\_\_ Enrolled Bill Amendment(s)  
\_\_\_ Governor's Veto Message

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

as amended by the senate      \_\_\_ as amended by the house  
 final version

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

  
Committee Aide

6/24/22  
Date

Senate Clerk's Office 