LEGISLATIVE COMMITTEE MINUTES

SB259

Bill as Introduced

SB 259 - AS INTRODUCED

2022 SESSION

22-2913 12/11

SENATE BILL 259

AN ACT relative to the definition of "municipal host" for purposes of limited electrical

energy producers.

SPONSORS: Sen. Avard, Dist 12; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. Sherman,

Dist 24; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 1; Sen. Giuda, Dist 2; Sen. Prentiss, Dist 5; Sen. Soucy,

Dist 18; Rep. Egan, Graf. 2; Rep. Berry, Hills. 44

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill amends the definition of "political subdivision," as used in the definition of a "municipal host".

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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relative to the definition of "municipal host" for purposes of limited electrical energy producers.

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

1 Limited Electrical Energy Producers Act; Definitions. Amend RSA 362-A:1-a, II-c to read as follows:

II-c. "Municipal host" means a customer generator with a total peak generating capacity of greater than one megawatt and less than 5 megawatts used to offset the electricity requirements of a group consisting exclusively of one or more customers who are political subdivisions, provided that all customers are located within the same utility franchise service territory. A municipal host shall be located in the same municipality as all group members if the facility began operation after January 1, 2021. A municipal host may be owned by either a public or private entity. For this definition, "political subdivision" means the state of New Hampshire or any city, town, county, school district, chartered public school, village district, school administrative unit, housing authority, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.

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

SB 259 - AS AMENDED BY THE SENATE

02/24/2022 0723s

2022 SESSION

22-2913 12/11

SENATE BILL

259

AN ACT

relative to the definition of "municipal host" for purposes of limited electrical

energy producers.

SPONSORS:

Sen. Avard, Dist 12; Sen. Watters, Dist 4; Sen. Bradley, Dist 3; Sen. Sherman, Dist 24; Sen. Perkins Kwoka, Dist 21; Sen. Whitley, Dist 15; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 1; Sen. Giuda, Dist 2; Sen. Prentiss, Dist 5; Sen. Soucy,

Dist 18; Rep. Egan, Graf. 2; Rep. Berry, Hills. 44

COMMITTEE:

Energy and Natural Resources

AMENDED ANALYSIS

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22-2913 12/11

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

Amendments

Sen. Perkins Kwoka, Dist 21 January 24, 2022 2022-0242s 12/04

Amendment to SB 259

Amend the bill by replacing section 1 with the following:

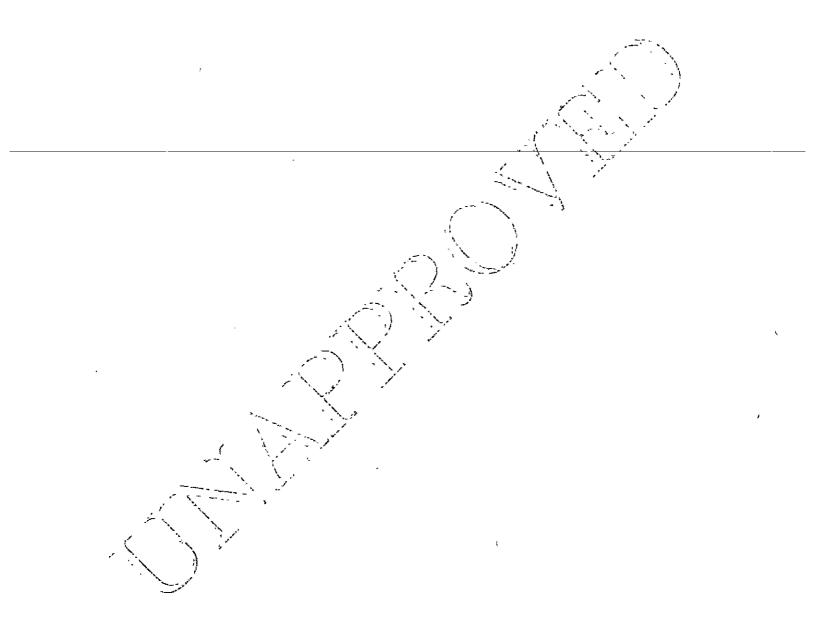
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2022-0242s

AMENDED ANALYSIS

This bill amends the definition of "political subdivision," as used in the definition of a "municipal host."



Energy and Natural Resources February 15, 2022 2022-0723s 12/04

Amendment to SB 259

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Amendment to SB 259 - Page 2 -

 $2022\text{-}0723\mathrm{s}$

AMENDED ANALYSIS

This bill amends the definition of "political subdivision," as used in the definition of a "municipal host."

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: December 22, 2021

HEARINGS

	Tuesday		01/1	1/2022	
	(Day)		(Date)		
Energy and Natural Resources		es	State House 103	9:00 a.m.	
(Name of Committee)			(Place)	(Time)	
9:00 a.m. SB 259			relative to the definition of "municipal host" for purposes of limited electrical energy producers.		
9:15 a.m. SB 370-FN			allowing the university system and community college system to be municipal host electric customer generators.		
9:30 a.m. SB 346-FN-A		feasibility and	requiring the department of environmental services to conduct feasibility and impact studies for the construction of a pier on Hampton Beach.		
9:45 a.m. SB 267-FN-A			establishing the upland invasive species program, program fund, and program coordinator in the department of agriculture, markets, and food.		
10:00 a.m. SB 368-FN		relative to ani	relative to animal vending licenses.		
10:15 a.m. SB 369-FN-A		relative to org	relative to organic farming.		
	3	XECUTIVE SES	SION MAY FOLLOW		
Sponsors: SB 259					
Sen. Avard	Sen. Wa	ters	Sen. Bradley	Sen. Sherman	
Sen. Perkins Kwo	ka Sen. Wi	itley	Sen. Rosenwald	Sen. Hennessey	
Sen. Giuda Sen. Prentiss		ntiss	Sen. Soucy	Rep. Egan	
Rep. Berry					
SB 370-FN					
Sen. Perkins Kwoka Sen. Watters			Sen. Avard	Sen. Cavanaugh	
Sen. Prentiss Sen. Sherman			Sen, Rosenwald	Sen. Kahn	
Sen. Soucy Sen. Whitley		·	Sen. D'Allesandro	Rep. M. Smith	
Rep. Somssich	Rep. Wa	u			
SB 346-FN-A Sen. Avard		dlav	Con Honnogge-	Con Darking V	
Sen. Avard Sen. Watters	Sen. Bra Sen. Ga	•	Sen. Hennessey Sen. Rosenwald	Sen. Perkins Kwoka Sen. Sherman	
Rep. Lang	Rep. Pe		Rep. Hill	эсп. эпенцац	
SB 368-FN	Kep. 16	11	rep. iiii		
Sen. Bradley	Sen. He	nessey	Sen. Watters	Sen. Sherman	

Sen. Rosenwald	Sen. D'Allesandro	Sen. Avard	Sen. Gannon
Sen. Cavanaugh	Sen. Prentiss	Rep. Bixby	
SB 369-FN-A		•	
Sen. Kahn	Sen. Whitley	Sen. Watters	Sen. Sherman
Sen. Prentiss	Rep. Weber	Rep. Bixby	Rep. Wolf
Rep. Allard	Rep. Deshaies		•
SB 267-FN-A	•		
Sen. Giuda	Sen. Rosenwald	Sen. Carson	Sen. Gannon
Sen. Sherman	Sen. Watters	Rep. Renzullo	Rep. Pearl
Rep. Suzanne Smith	Rep. Weston	•	<u>.</u>

Daley Frenette 271-3042

Kevin A. Avard Chairman

Senate Energy and Natural Resources Committee

Daley Frenette 271-3042

SB 259, relative to the definition of "municipal host" for purposes of limited electrical energy producers.

Hearing Date:

January 11, 2022

Time Opened:

9:00 A.M.

Time Closed:

9:15 A.M

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

Perkins Kwoka

Members of the Committee Absent: None

Bill Analysis:

This bill amends the definition of "political subdivision," as used in

the definition of a "municipal host".

Sponsors:

Sen. Avard

Sen. Watters

Sen. Bradley

Sen. Sherman

Sen. Perkins Kwoka

Sen. Whitley

Sen. Rosenwald

Sen. Hennessey

Sen. Giuda

Sen. Prentiss

Sen. Soucy

Rep. Egan

Rep. Berry

Who supports the bill: Senator Kevin Avard, Senate District 12, Bart Fromuth, Freedom Energy Logistics, Kelly Buchanan, Clean Energy New Hampshire, Rob Werner, League of Conservation Voters, Senator David Watters, Senate District 4, Senator Rebecca Perkins Kwoka, Senate District 21, Senator Jeb Bradley, Senate District 3, Senator Erin Hennessey, Senate District 1, Senator Cindy Rosenwald, Senate District 13, Senator Bob Giuda, Senate District 2, Senator Donna Soucy, Senate District 18, Senator Tom Sherman, Senate District 24, Heidi Kroll, Brookfield Power, Paul Worsowicz, Granite State Hydropower Association.

Who opposes the bill: None.

Who is neutral on the bill: Josh Elliot, Department of Energy

Summary of testimony presented:

Senator Kevin Avard

• Senator Avard introduced the SB 259. He explained that the bill is related to HB 315 that was passed in the previous session. HB 315 touched on many

- energy related issues however, SB 259 is focused on eligible customers under the expanded net metering provision.
- HB 315 previously raised the net metering cap from 1 to 5 megawatts however, it limited participation exclusively to political subdivisions. Under HB 315, the term political subdivisions is defined as any city, town, county, school district, chartered public school, village district, school administrative unit, or any district or entity created for a special purpose administered or funded by any of the above-named governmental units.
- The purpose of SB 259 is to slightly amend the definition by adding the State of New Hampshire and offering clarity to the eligibility of housing authorities.
- Senator Watters asked Senator Avard to clarify which entities will be covered.
 Senator Avard responded that there are several other bills being heard regarding entities such as the Pease Development Authority and the university system.

Bart Fromuth

- Mr. Fromuth spoke in support of SB 259 agreeing that it is a bill designed to complement HB 315.
- One potential oversight in HB 315 is that the State of New Hampshire was left out as a political subdivision. Furthermore, entities such as the State House, University of New Hampshire, and Keene State College would be left out because of they are administered and funded by the State.
- The housing authority may prove to be troublesome with regards to eligibility. However, he concurred that SB 259 would solve any issues related to that.

Kelly Buchanan-Provided Written Testimony

• Spoke in favor of the bill. Ms. Buchanan agreed with Mr. Fromuth's testimony. She expressed support for SB 259 on behalf of Clean Energy New Hampshire and explained that the bill would help reflect the true nature of housing authorities and the State of New Hampshire.

Rob Werner

• Expressed support for SB 259. He believes that this bill will prove to be beneficial over time. Mr. Werner also noted that NHTI has expressed its interest in the bill and would help it build larger distributed energy systems. Furthermore, he testified that the bill would help the City of Concord achieve its renewable energy goals.

Josh Elliot

 Mr. Elliot expressed a neutral stance on the bill on behalf of the Department of Energy and his willingness to answer any questions and point out technical issues regarding SB 259. He clarified that the Department of Energy found no technical issues.

- Senator Watters asked Mr. Elliot about the possible size increase in the amount of net metering that might occur by making this definitional change. Mr. Elliot clarified that it would depend on the number of entities that decide to take part in their new eligibility under this bill.
- Senator Watters followed up his question by asking Mr. Elliot if he agrees with a previous sub committees report that net metering and distribution may not result in costs shifting for participants.
- Mr. Elliot clarified that the Department of Energy is currently working with a consultant on figuring out cost shifting due to net metering. Currently, the Department of Energy does not have a definitive answer on this issue however, the study is still underway and should be completed by late spring of 2022.
- Mr. Elliot also clarified that given the small number of entities involved cost shifting may be minimal.

DF Date Hearing Report completed: January 14, 2022

Speakers

Senate Energy & Natural Resources Committee SIGN-IN SHEET

Date: Tuesday, January 11, 2022 Time: 9:00 a.m.

SB 259

AN ACT relative to the definition of "municipal host" for the purposes of limited electrical energy producers.

Name/Representing (please print neatly)					
Sinator Kerin Avard	Support	Oppose	Speaking?	Yes	No □
Sinator Keuin Avard Back Fromuth	Support	Oppose	Speaking?	Yes	, No
Kelly Buchanan CENH	Support 🔽	Oppose	Speaking?	Yes 🗹	No
Kery Buchanan CENH ROB WERNEL LEAGUE UT CONSERVATION VORTS	Support	Oppose	Speaking?	Yes	No D
Josh Elliott NHDOE	Support X	Oppose	Speaking?	Yes 🗷	No
•	Support	Oppose	Speaking?	Yes	No
·	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No
-	Support	Oppose	Speaking?	Yes	No
	Support	Oppose	Speaking?	Yes	No

Senate Remote Testify

Energy and Natural Resources Committee Testify List for Bill SB259 on 2022-01 Support: 10 Oppose: 0

<u>Name</u>	<u>Title</u>	Representing	Position
Watters, Senator David	An Elected Official	Myself	Support
Perkins Kwoka, Senator Rebecca	An Elected Official	Myself	Support
Bradley, Senator Jeb	An Elected Official	SD3	Support
Hennessey, Sen. Erin	An Elected Official	Myself	Support
Rosenwald, Cindy	An Elected Official	SD 13	Support
Giuda, Senator Bob	An Elected Official	SD2	Support
Soucy, Donna	An Elected Official	SD 18	Support
Sherman, Senator Tom	An Elected Official	SD24	Support
Kroll, Heidi	A Lobbyist	Brookfield Power	Support *
Worsowicz, Paul	A Lobbyist	Granite State Hydropower Association (GSHA)	Support

Testimony



14 Dixon Ave, Suite 202 | Concord, NH 03301 | 603.226.4732

Senator Kevin Avard, Chair Senate Energy & Natural Resources Committee State House, Room 103 Concord, NH 03301

Testimony on SB259: relative to the definition of "municipal host" for purposes of limited electrical energy producers

Dear Chair Avard and members of the Committee,

Clean Energy NH (CENH) is a non-profit member-based organization. We are New Hampshire's leading clean energy advocate that is dedicated to supporting policies and programs that strengthen our state's economy by encouraging a transition to renewable energy and promoting energy efficiency.

CENH strongly supports SB259, which would slightly expand the definition of a political subdivision of state to include the state of New Hampshire and housing authorities, as it relates to RSA 362-A and the landmark legislation that passed last year, on a bipartisan basis, to raise the net metering cap up to 5 MW for local renewable energy projects. The inclusion of the state of New Hampshire and housing authorities as eligible political subdivisions is a pragmatic change to the definition, which more accurately reflects the nature of both the state of New Hampshire and housing authorities. This change will help reduce ambiguity in the definition of a political subdivision, which was dealt with subsequent to the passage of HB315.

While this change more accurately defines a political subdivision of the state, SB259 will also support the responsible expansion of local renewable energy resources, help municipalities meet renewable energy and/or emission reduction goals, and help strengthen local economies with new business opportunities for clean energy. This small change in definition further enables New Hampshire's municipalities to secure the maximum benefits of locally produced power. Small-scale municipal generating assets are an important part of our economy and our energy resiliency. This legislation is an important step forward towards energy independence for the Granite State.

For the reasons described above, CENH asks you to find that SB259 ought to pass.

Sincerely,



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14 Dixon Ave, Suite 202 | Concord, NH 03301 | 603 226 4702

Kelly Buchanan

Kelly Brownson

Director of Legislative & Regulatory Affairs

Clean Energy NH

Kelly@cleanenergynh.org

303-956-1246

Voting Sheets

Senate Energy & Natural Resources Committee

EXECUTIVE SESSION RECORD

2021-2022 Session

Hearing Date: 1/11/22			Bill# 25	59	
Executive So	ession Date: 2/15/27		•		No PK
Motion of:_	02425		Vote:_	3-0	
	Committee Member Sen. Avard, Chair Sen. Giuda, Vice Chair Sen. Gray Sen. Watters Sen. Perkins Kwoka		Made by	Second	Yes No
Motion of:_	OTPA		Vote:_	3-0	
	Sen. Giuda, Vice Chair Sen. Gray Sen. Watters		Made by	Second	Yes No
	Sen. Perkins Kwoka		<u> </u>	,	
Motion of:_			Vote:_	·	
Motion of:_			Made by	Second	Yes No
Motion of:_ ; Motion of:_	Committee Member Sen. Avard, Chair Sen. Giuda, Vice Chair Sen. Gray Sen. Watters Sen. Perkins Kwoka		Made by		
Motion of:_	Committee Member Sen. Avard, Chair Sen. Giuda, Vice Chair Sen. Gray Sen. Watters Sen. Perkins Kwoka Committee Member Sen. Avard, Chair Sen. Giuda, Vice Chair Sen. Gray Sen. Watters Sen. Perkins Kwoka	Present	Made by		Yes No Yes No
;	Committee Member Sen. Avard, Chair Sen. Giuda, Vice Chair Sen. Gray Sen. Watters Sen. Perkins Kwoka Committee Member Sen. Avard, Chair Sen. Giuda, Vice Chair Sen. Gray Sen. Watters Sen. Perkins Kwoka	Present	Made by Vote:		

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, February 16, 2022

THE COMMITTEE ON Energy and Natural Resources

to which was referred SB 259

AN ACT

relative to the definition of "municipal host" for purposes of limited electrical energy producers.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 3-0

AMENDMENT # 0723s

Senator Kevin Avard For the Committee

Daley Frenette 271-3042

ENERGY AND NATURAL RESOURCES
SB 259, relative to the definition of "municipal host" for purposes of limited electrical energy producers.

Ought to Pass with Amendment, Vote 3-0.

Senator Kevin Avard for the committee.

General Court of New Hampshire - Bill Status System

Docket of SB259

Docket Abbreviations

Bill Title: relative to the definition of "municipal host" for purposes of limited electrical energy producers.

Official Docket of SB259.:

Date	Body	Description
12/14/2021	S	To Be Introduced 01/05/2022 and Referred to Energy and Natural Resources; SJ 1
12/22/2021	S	Hearing: 01/11/2022, Room 103, SH, 09:00 am; SC 50
2/16/2022	S	Committee Report: Ought to Pass with Amendment #2022-0723s, 02/24/2022; SC 8
2/24/2022	S	Committee Amendment #2022-0723s, AA, VV; 02/24/2022; SJ 4
2/24/2022	S	Ought to Pass with Amendment 2022-0723s, MA, VV; OT3rdg; 02/24/2022; SJ 4
3/23/2022	Н	Introduced 03/17/2022 and referred to Science, Technology and Energy
3/30/2022	н	Public Hearing: 04/05/2022 11:00 am LOB 306-308
4/15/2022	Н	Executive Session: 04/05/2022 11:00 am LOB 306-308
4/15/2022	Н	Majority Committee Report: Refer for Interim Study (Vote 14-7; RC)
4/15/2022	Н	Minority Committee Report: Ought to Pass with Amendment #2022- 1359h RC
5/5/2022	H	Refer for Interim Study: MA VV 05/05/2022 HJ 12
5/11/2022	Н	Interim Study Work Session Work Session: 05/24/2022 10:00 am LOB 306-308

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB259	Senate Committee: ENR
Please include all documents in the order listed below included with an "X" beside	and indicate the documents which have been
Final docket found on Bill Status	v
Bill Hearing Documents: {Legislative Aides}	
Bill version as it came to the committee	
Bill version as it came to the committee All Calendar Notices Hearing Sign-up sheet(s) Prepared testimony, presentations, & other su Hearing Report	
Hearing Sign-up sheet(s)	
Prepared testimony, presentations, & other su	bmissions handed in at the public hearing
The state of the s	
NA Revised/Amended Fiscal Notes provided by the	e Senate Clerk's Office
Committee Action Documents: {Legislative Aide	<u>.</u>
All amendments considered in committee (including the	nose not adopted):
∠ - amendment # <u>0723</u> amendment #	lment#
amendment # <u>02425</u> amendment	iment#
Executive Session Sheet	
<u>≪</u> Committee Report	<u>.</u>
Floor Action Documents: {Clerk's Office}	
All floor amendments considered by the body during s	ession (only if they are offered to the senate):
amendment # amen	dment#
amendment # amen	lment#
5 . 5	
Post Floor Action: (if applicable) {Clerk's Office}	
by the committee of conference):	by all members. Include any new language proposed
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	he Senate Clerk's Office By:
- Decon	6/24/22
Committee Aide	Date
. ./	
Senate Clerk's Office	