

LEGISLATIVE COMMITTEE MINUTES

**SB440**

# Bill as Introduced

SB 440-FN - AS INTRODUCED

2022 SESSION

22-3011  
12/08

SENATE BILL ***440-FN***

AN ACT relative to approval of offshore wind energy contracts.

SPONSORS: Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. D'Allesandro, Dist 20; Sen. Avar, Dist 12; Sen. Rosenwald, Dist 13; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Rep. Cali-Pitts, Rock. 30; Rep. McGhee, Hills. 27; Rep. Wall, Straf. 6

COMMITTEE: Energy and Natural Resources

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ANALYSIS

This bill authorizes the public utilities commission to approve power purchase agreements for wind energy produced in the Gulf of Maine and establishes the clean energy resources committee to review said agreements.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to approval of offshore wind energy contracts.

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

1 1 New Subdivision; Gulf of Maine Clean Energy Resources. Amend RSA 362-F by inserting  
2 after section 15 the following new subdivision:

3 Gulf of Maine Clean Energy Resources

4 362-F:16 Definitions. In this subdivision:

5 I. "Clean energy resources" means electricity or hydrogen produced by wind turbines in the  
6 Gulf of Maine.

7 II. "Commercially reasonable" means terms and pricing that are reasonably consistent with  
8 what an experienced power market analyst would expect to see in transactions involving regional-  
9 energy resources and regional-energy infrastructure and include having a credible project operation  
10 date, contingent on final permitting, as determined by the commission.

11 III. "Commission" means the public utilities commission.

12 362-F:17 Public Utilities Commission Evaluation Criteria.

13 I. The public utilities commission may approve power purchase agreements if the  
14 commission determines that the clean energy resources from a provider to be used by an energy  
15 distribution company, or by a community power program, under the agreement::

16 (a) Are recommended by the clean energy resources committee established in RSA 362-  
17 F:18;

18 (b) Provide adequate energy with enhanced electricity distribution reliability, where  
19 there is a clear public need and a reasonable price over the term of the contract;

20 (c) Contribute to reducing winter electricity price spikes;

21 (d) Are cost effective to electric ratepayers in New Hampshire over the term of the  
22 contract taking into consideration potential economic benefit, greenhouse gas and other polluting  
23 emission reductions and other health and environmental benefits to the ratepayers, and, where  
24 feasible, create and foster employment and economic development in New Hampshire.

25 (e) Avoid line loss and mitigate transmission costs to the extent possible and ensure that  
26 transmission cost overruns, if any, are not borne by ratepayers;

27 (f) Are commercially reasonable;

28 (g) Allow contracts for clean energy generation resources to be paired with energy  
29 storage systems;

30 (h) Address reliable energy delivery in winter months;

1 (i) Adequately demonstrate project viability and that the bidder has the technical,  
2 financial, and managerial capabilities to perform in a commercially reasonable time frame;

3 (j) Avoid, minimize, and mitigate impacts to wildlife, natural resources, ecosystems, and  
4 traditional or existing water-dependent uses, including but not limited to, commercial and  
5 recreational fishing and transit lanes, and other commercial and recreational maritime activities;

6 (k) Complies with relevant consistency standards;

7 (l) Complies with relevant mitigation requirements;

8 (m) Creates energy diversity for New Hampshire's electricity supply.

9 II. The public utilities commission shall determine whether an agreement is commercially  
10 reasonable pursuant to paragraph I(f). The commission shall find an agreement commercially  
11 reasonable if the benefits to New Hampshire exceed the cost of the project. The commission shall  
12 determine, based on the preponderance of the evidence, that the total energy security, reliability,  
13 environmental, and economic benefits to the state of New Hampshire and its ratepayers exceed the  
14 costs of such projects. If there is a dispute about whether any terms or pricing are commercially  
15 reasonable, the commission shall make the final determination after evidentiary hearings.

16 III. A proposed agreement shall be subject to the review and approval of the public utilities  
17 commission. As part of its approval process, the commission shall consider recommendations by the  
18 attorney general, which shall be submitted to the commission within 45 days following the filing of  
19 such contracts with the commission. The commission shall consider both the potential costs and  
20 benefits of such contracts and shall approve a contract only upon a finding that it is a cost effective  
21 mechanism for procuring renewable energy generation on a long-term basis taking into account the  
22 factors outlined in the clean energy resources committee selection process established in RSA 362-  
23 F:18.

24 IV. The clean energy resources committee and the commission may jointly develop  
25 requirements for a bond or other security to ensure performance with requirements under this  
26 section. If this section is subjected to a legal challenge, the commission may suspend the  
27 applicability of the challenged provision during the pendency of the action until a final resolution,  
28 including any appeals, is obtained and shall issue an order and take other actions as are necessary  
29 to ensure that the provisions not subject to the challenge are implemented expeditiously to achieve  
30 the public purposes of this section.

31 362-F:18 Renewable Energy Credits.

32 I. A distribution company may elect to use any energy purchased under contracts described  
33 in RSA 362-F:16 for sale to its customers and may elect to retain renewable energy certificates to  
34 meet the applicable annual renewable portfolio standard requirements under RSA 362-F:3. If the  
35 energy and renewable energy certificates are not so used, the distribution companies shall sell the  
36 purchased energy into the wholesale market and, provided that the commission has not notified the  
37 distribution company that the renewable energy certificates should be retained to facilitate reaching

1 emission reduction targets pursuant to RSA 362-F:3, shall sell the purchased renewable energy  
2 certificates to minimize the costs to ratepayers under the contract. If a distribution company sells  
3 the purchased energy into the wholesale market and sells the renewable energy certificates, the  
4 distribution company shall net the cost of payments made to projects under the contracts against the  
5 net proceeds obtained from the sale of energy and renewable energy certificates, and the difference  
6 shall be credited or charged to all distribution customers through a uniform fully reconciling annual  
7 factor in distribution rates, subject to review and approval of the commission.

8 II. If a distribution company sells the purchased energy into the wholesale market and  
9 auctions the renewable energy certificates as described in this section, the distribution company  
10 shall net the cost of payments made to projects under the contracts against the net proceeds  
11 obtained from the sale of energy and renewable energy certificates, and the difference shall be  
12 credited or charged to all distribution customers through a uniform fully reconciling annual factor in  
13 distribution rates, subject to review and approval of the commission.

14 III. The commission shall conduct periodic reviews to determine the impact on the energy  
15 and renewable energy certificate markets of the disposition of energy and renewable energy  
16 certificates under this section and may issue reports recommending legislative changes if it  
17 determines that actions are being taken that will adversely affect the energy and renewable energy  
18 certificate markets.

19 362-F:19 Clean Energy Resources Committee (CERC). There is hereby established the clean  
20 energy resources committee within in the department of energy.

21 I. The committee shall consist of the following members:

- 22 (a) The commissioner of the department of energy, or designee.  
23 (b) The commissioner of the department of business and economic affairs, or designee.  
24 (c) The commissioner of the department of environmental services, or designee.  
25 (d) The executive director of the fish and game department, or designee.  
26 (e) One representative of energy distribution companies, appointed by the governor.  
27 (f) One representative of labor, appointed by the president of the New Hampshire AFL-  
28 CIO.  
29 (g) One representative of commercial or recreational fisheries, appointed by the  
30 governor.  
31 (h) An attorney from the department of justice, designated by the attorney general, with  
32 experience in energy procurement, who shall serve in a nonvoting, advisory capacity to the  
33 committee.

34 II. Members of the CERC shall serve without compensation. Appointed members shall each  
35 serve a term of 3 years.

1           III. The CERC shall review proposals from providers of clean energy resources, in  
2 accordance with RSA 362-F:16, and select proposals for electric distribution company submission to  
3 the commission.

4           IV. In solicitation and selection of proposals for offshore wind development, the CERC shall  
5 require selected bidders to include a plan to engage in a good faith negotiation of a project labor  
6 agreement for laborers, workers, and mechanics performing construction activities within the United  
7 States with respect to the project. Any solicitation issued pursuant to this section shall specify the  
8 minimum terms that such project labor agreements address.

9           V. In responding to any solicitations issued pursuant to this section, a bidder may include  
10 the bidder's plans for the use of skilled labor, including, but not limited to, for any construction and  
11 manufacturing components of the proposal including any outreach, hiring, and referral systems, or  
12 any combination thereof, that are affiliated with an apprenticeship training program and other  
13 workforce development education and training programs recognized by the New Hampshire  
14 department employment security.

15           VI. In responding to any solicitations issued pursuant to this section that involve activities  
16 in New Hampshire, including state waters, a bidder shall demonstrate that it has prepared or will  
17 prepare for the Bureau of Ocean Energy Management an environmental, fisheries, and transit lanes  
18 mitigation plan for the construction and operation of such offshore wind facilities, including  
19 provisions under 485-I, provided such plan shall include, but not be limited to, an explicit description  
20 of the best management practices the bidder will employ that are informed by the latest science at  
21 the time the proposal is made that will avoid, minimize, and mitigate any impacts to wildlife,  
22 natural resources, ecosystems, and traditional or existing water-dependent uses, including, but not  
23 limited to, commercial and recreational fishing, including aquaculture, and transit lanes. For each  
24 solicitation issued pursuant to this section, the commissioner of the department of environmental  
25 services and the executive director of the New Hampshire fish and game department shall inform  
26 the CERC concerning its input to the bidder on best practices for avoiding, minimizing, and  
27 mitigating any impacts to wildlife, natural resources, ecosystems, and traditional or existing water-  
28 dependent uses, including, but not limited to, commercial and recreational fishing, and transit lanes,  
29 during the construction and operation of facilities eligible pursuant to this section.

30           VII. The CERC shall select, and the public utilities commission shall contract with, an  
31 independent evaluator to monitor and report on the solicitation and bid selection process in order to  
32 assist the CERC in determining whether a proposal received pursuant to this section is reasonable  
33 and to be selected for submission to the commission in its consideration of contracts filed for  
34 approval. To ensure an open, fair, and transparent solicitation, and a bid selection process that is  
35 not unduly influenced by an affiliated company, the independent evaluator shall issue a report to the  
36 commission analyzing the timetable and method of solicitation and the solicitation process  
37 implemented by the distribution companies and the CERC and include recommendations, if any, for

1 improving the process. Upon the opening of an investigation by the commission into a proposed  
2 contract for a winning bid proposal, the independent evaluator shall file a report with the  
3 commission summarizing and analyzing the solicitation and the bid selection process, and providing  
4 its independent assessment of whether all bids were evaluated in a fair and non-discriminatory  
5 manner. The independent evaluator shall have access to all information and data related to the  
6 competitive solicitation and bid selection process necessary to fulfill the purposes of this subsection,  
7 but shall ensure all proprietary information remains confidential. The commission shall consider  
8 the findings of the independent evaluator and may adopt recommendations made by the independent  
9 evaluator as a condition for approval. If the independent evaluator concludes in the findings that  
10 the solicitation and bid selection of a contract was not fair and objective and that the process was  
11 substantially prejudiced as a result, the commission shall reject the contract. The commission's cost  
12 of evaluation shall be directly assessed to the state's distribution utilities and the New Hampshire  
13 Electric Cooperative as authorized by the public utilities commission.

14 VIII. The CERC shall consult interested parties and provide opportunities for submission of  
15 information in public meetings or other means by members of the public in the process of solicitation  
16 of proposals.

17 IX. The representatives of energy distribution companies on the CERC shall not participate  
18 in the selection of procurement proposals.

19 X. The CERC shall report on its activities annually to the governor, the senate president,  
20 the speaker of the house of representatives, and to the commission on offshore wind and port  
21 development established in RSA 374-F:10.

22 XI. All reasonable costs associated with the CERC solicitation and review of proposals  
23 pursuant to this section shall be recoverable through the same fully reconciling rate component for  
24 all customers of the electric distribution companies.

25 2 Effective Date. This act shall take effect 60 days after its passage.



LBA  
22-3011  
12/28/21

**SB 440-FN- FISCAL NOTE  
AS INTRODUCED**

AN ACT                    relative to approval of offshore wind energy contracts.

**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. The Department of Energy was contacted for a fiscal note worksheet initially on 11/22/2021 and again on 12/14/2021. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

**AGENCIES CONTACTED:**

Department of Energy

**SB 440-FN FISCAL NOTE  
AS INTRODUCED**

AN ACT relative to approval of offshore wind energy contracts.

**FISCAL IMPACT:**     State             County             Local             None

| STATE:                 | Estimated Increase / (Decrease)  |         |         |                |
|------------------------|--|---------|---------|----------------|
|                        | FY 2022  | FY 2023 | FY 2024 | FY 2025        |
| <b>Appropriation</b>   | \$0  | \$0     | \$0     | \$0            |
| <b>Revenue</b>         | \$0  | \$0     | \$0     | Indeterminable |
| <b>Expenditures</b>    | \$0  | \$0     | \$0     | Indeterminable |
| <b>Funding Source:</b> | <input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other -<br>Utility Assessment, Various Government Funds |         |         |                |

**COUNTY:**

|                     |     |     |     |                |
|---------------------|-----|-----|-----|----------------|
| <b>Revenue</b>      | \$0 | \$0 | \$0 | \$0            |
| <b>Expenditures</b> | \$0 | \$0 | \$0 | Indeterminable |

**LOCAL:**

|                     |     |     |     |                |
|---------------------|-----|-----|-----|----------------|
| <b>Revenue</b>      | \$0 | \$0 | \$0 | \$0            |
| <b>Expenditures</b> | \$0 | \$0 | \$0 | Indeterminable |

**METHODOLOGY:**

This bill establishes a Clean Energy Resources Committee (CERC) within the Department of Energy to solicit, review, and select purchase power agreements (PPA) for the electric distribution utilities for submission to the Public Utilities Commission (PUC). The PUC may approve a PPA, if it meets the terms of proposed RSA 362-F:17 I (a-m). The PUC is required to find an agreement commercially reasonable if the benefits to New Hampshire exceed the cost of the project.

The Department identified the following potential fiscal impacts:

- Regarding the cost of the CERC, the bill stipulates that all reasonable costs associated with the solicitation and review of proposals by the CERC are recoverable from the ratepayers. This would increase the cost of electricity for state, county, and local

governments by an interminable amount. Any impact would not be until FY 2025 at the very earliest.

- The bill stipulates that the CERC select and the PUC contract with an independent evaluator to monitor and report on the solicitation and bid selection process and review of proposals to assist the PUC in determining whether to approve a proposed PPA. The cost of the independent evaluator is recoverable from the ratepayers. This would increase the cost of electricity for state, county, and local governments by an interminable amount. Any impact would not be until FY 2025 at the very earliest.
- If the terms of the PPA requires electric distribution utilities to purchase electricity at a rate above what they can purchase it for on the wholesale market, electricity costs for the state, counties, and local governments will increase. If the terms of the PPA requires electric distribution utilities to purchase electricity at a rate below what their rate on the wholesale market, electricity costs for the state, counties, and local governments will decrease. Any impact would not be until FY 2025 at the very earliest.
- In addition, the bill provides mechanisms for the electric distribution utilities for the sale of both the electricity and renewable energy credits (RECs) acquired through the PPA. If electric distribution utilities have RECs beyond what is needed for compliance with the Renewable Portfolio Standard (RPS) those RECs are required to be sold and proceeds credited to all ratepayers. If a electric distribution utility sells the purchased electricity in the wholesale market along with the RECs, then the cost difference between what the electric distribution utility paid under the PPA and what they sold it for is either credited or charged to all ratepayers. If the electricity was sold above cost, all ratepayers will receive a credit, and electricity costs for the state, counties, and local governments will decrease. If the electricity was sold at a loss, all ratepayers will be charged to make up the difference, and electricity costs for the state, counties, and local governments will increase. Any impact would not be until FY 2025 at the very earliest.

**AGENCIES CONTACTED:**

Department of Energy

SB 440-FN - AS AMENDED BY THE SENATE

02/16/2022 0596s

2022 SESSION

22-3011

12/08

SENATE BILL

***440-FN***

AN ACT

relative to the office of offshore wind industry development.

SPONSORS:

Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. D'Allesandro, Dist 20; Sen. Avard, Dist 12; Sen. Rosenwald, Dist 13; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Rep. Cali-Pitts, Rock. 30; Rep. McGhee, Hills. 27; Rep. Wall, Straf. 6

COMMITTEE:

Energy and Natural Resources

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AMENDED ANALYSIS

This bill directs the office of offshore wind industry development to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same.

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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 Twenty Two*

AN ACT relative to the office of offshore wind industry development.

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

1 1 New Subparagraph; Department of Energy; Office of Offshore Wind Industry Development.

2 Amend RSA 12-P:7-b, II by inserting after subparagraph (e) the following new subparagraph:

3 (f) Advise the governor, state agencies, the public utilities commission, and the  
4 legislature on the development of clean energy resources in the Gulf of Maine and the purchase of  
5 power by New Hampshire public utilities from these resources.

6 2 Office of Offshore Wind Industry Development; Report; Clean Energy Resources.

7 I. The office of offshore wind industry development shall report, after consultation with  
8 other state agencies, public utilities, and any relevant stakeholders, on its recommendations  
9 regarding the development of clean energy resources in the Gulf of Maine and the purchase of power  
10 by New Hampshire public utilities from these resources. The report shall include, but not be limited  
11 to:

12 (a) Recommendations on the criteria for evaluating power purchase agreements for  
13 procurement of electricity or hydrogen produced by wind turbines in the Gulf of Maine. These  
14 recommendations shall include criteria for determining whether such contracts: are commercially  
15 reasonable and cost effective for electric ratepayers in New Hampshire; provide adequate energy  
16 with enhanced electricity distribution reliability; have environmental benefits; and create and foster  
17 employment, training, manufacturing, and other economic development in New Hampshire.

18 (b) Recommendations concerning actions necessary to comply with consistency and  
19 mitigation recommendations by the New Hampshire coastal program and other actions to avoid,  
20 minimize, and mitigate impacts to wildlife, natural resources, ecosystems, and traditional or existing  
21 water-dependent uses, including but not limited to, commercial and recreational fishing and transit  
22 lanes and other commercial and recreational maritime activities.

23 (c) Recommendations on the utility use of renewable energy credits accrued through  
24 contracts for offshore wind energy.

25 II. The office shall issue its report on or before June 30, 2024. Said report shall be delivered  
26 to the president of the senate, the speaker of the house of representatives, the chair of the senate  
27 energy committee, the chair of the house science, technology and energy committee, and the  
28 governor.

29 3 Effective Date. This act shall take effect upon its passage.

LBA  
22-3011  
Amended 2/23/22

**SB 440-FN- FISCAL NOTE**  
**AS AMENDED BY THE SENATE (AMENDMENT #2022-0596s)**

AN ACT            relative to the office of offshore wind industry development.

**FISCAL IMPACT:**     State             County             Local             None

**METHODOLOGY:**

This bill directs the Office of Offshore Wind Industry Development, Department of Energy to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same. The Office of Legislative Budget Assistant states this bill, as amended by the Senate, has no fiscal impact on state, county and local expenditures or revenue.

**AGENCIES CONTACTED:**

Department of Energy

SB 440-FN - AS AMENDED BY THE SENATE

02/16/2022 0596s

2022 SESSION

22-3011  
12/08

SENATE BILL **440-FN**

AN ACT relative to the office of offshore wind industry development.

SPONSORS: Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. D'Allesandro, Dist 20; Sen. Avard, Dist 12; Sen. Rosenwald, Dist 13; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Rep. Cali-Pitts, Rock. 30; Rep. McGhee, Hills. 27; Rep. Wall, Straf. 6

COMMITTEE: Energy and Natural Resources

OTP/A 5-0

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AMENDED ANALYSIS

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28 governor.

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**AS INTRODUCED**

AN ACT relative to approval of offshore wind energy contracts.

**FISCAL IMPACT:**     State             County             Local             None

| STATE:                 | Estimated Increase / (Decrease)  |         |         |                |
|------------------------|--|---------|---------|----------------|
|                        | FY 2022  | FY 2023 | FY 2024 | FY 2025        |
| <b>Appropriation</b>   | \$0  | \$0     | \$0     | \$0            |
| <b>Revenue</b>         | \$0  | \$0     | \$0     | Indeterminable |
| <b>Expenditures</b>    | \$0  | \$0     | \$0     | Indeterminable |
| <b>Funding Source:</b> | <input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input checked="" type="checkbox"/> Highway <input checked="" type="checkbox"/> Other -<br>Utility Assessment, Various Government Funds |         |         |                |

**COUNTY:**

|                     |     |     |     |                |
|---------------------|-----|-----|-----|----------------|
| <b>Revenue</b>      | \$0 | \$0 | \$0 | \$0            |
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**LOCAL:**

|                     |     |     |     |                |
|---------------------|-----|-----|-----|----------------|
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**METHODOLOGY:**

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The Department identified the following potential fiscal impacts:

- Regarding the cost of the CERC, the bill stipulates that all reasonable costs associated with the solicitation and review of proposals by the CERC are recoverable from the ratepayers. This would increase the cost of electricity for state, county, and local governments by an interminable amount. Any impact would not be until FY 2025 at the very earliest.

- The bill stipulates that the CERC select and the PUC contract with an independent evaluator to monitor and report on the solicitation and bid selection process and review of proposals to assist the PUC in determining whether to approve a proposed PPA. The cost of the independent evaluator is recoverable from the ratepayers. This would increase the cost of electricity for state, county, and local governments by an interminable amount. Any impact would not be until FY 2025 at the very earliest.
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**AGENCIES CONTACTED:**

Department of Energy

LBA  
22-3011  
~~Amended 2/23/22~~

**SB 440-FN FISCAL NOTE  
AS AMENDED BY THE SENATE (AMENDMENT #2022-0596s)**

AN ACT relative to the office of offshore wind industry development.

**FISCAL IMPACT:**     State             County             Local             None

**METHODOLOGY:**

This bill directs the Office of Offshore Wind Industry Development, Department of Energy to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same. The Office of Legislative Budget Assistant states this bill, as amended by the Senate, has no fiscal impact on state, county and local expenditures or revenue.

**AGENCIES CONTACTED:**

Department of Energy

LBA  
22-3011  
Amended 2/23/22

**SB 440-FN FISCAL NOTE  
AS AMENDED BY THE SENATE (AMENDMENT #2022-0596s)**

AN ACT                   relative to the office of offshore wind industry development.

**FISCAL IMPACT:**     State            County            Local            None

**METHODOLOGY:**

This bill directs the Office of Offshore Wind Industry Development, Department of Energy to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same. The Office of Legislative Budget Assistant states this bill, as amended by the Senate, has no fiscal impact on state, county and local expenditures or revenue.

**AGENCIES CONTACTED:**

Department of Energy

CHAPTER 177  
SB 440-FN - FINAL VERSION

02/16/2022 0596s

2022 SESSION

22-3011  
12/08

SENATE BILL            **440-FN**

AN ACT                relative to the office of offshore wind industry development.

SPONSORS:            Sen. Watters, Dist 4; Sen. Sherman, Dist 24; Sen. D'Allesandro, Dist 20; Sen. Avard, Dist 12; Sen. Rosenwald, Dist 13; Sen. Whitley, Dist 15; Sen. Soucy, Dist 18; Sen. Cavanaugh, Dist 16; Sen. Prentiss, Dist 5; Rep. Cali-Pitts, Rock. 30; Rep. McGhee, Hills. 27; Rep. Wall, Straf. 6

COMMITTEE:          Energy and Natural Resources

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AMENDED ANALYSIS

This bill directs the office of offshore wind industry development to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same.

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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.

CHAPTER 177  
SB 440-FN - FINAL VERSION

02/16/2022 0596s

22-3011  
12/08

STATE OF NEW HAMPSHIRE

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

AN ACT relative to the office of offshore wind industry development.

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

1 177:1 New Subparagraph; Department of Energy; Office of Offshore Wind Industry  
2 Development. Amend RSA 12-P:7-b, II by inserting after subparagraph (e) the following new  
3 subparagraph:

4 (f) Advise the governor, state agencies, the public utilities commission, and the  
5 legislature on the development of clean energy resources in the Gulf of Maine and the purchase of  
6 power by New Hampshire public utilities from these resources.

7 177:2 Office of Offshore Wind Industry Development; Report; Clean Energy Resources.

8 I. The office of offshore wind industry development shall report, after consultation with  
9 other state agencies, public utilities, and any relevant stakeholders, on its recommendations  
10 regarding the development of clean energy resources in the Gulf of Maine and the purchase of power  
11 by New Hampshire public utilities from these resources. The report shall include, but not be limited  
12 to:

13 (a) Recommendations on the criteria for evaluating power purchase agreements for  
14 procurement of electricity or hydrogen produced by wind turbines in the Gulf of Maine. These  
15 recommendations shall include criteria for determining whether such contracts: are commercially  
16 reasonable and cost effective for electric ratepayers in New Hampshire; provide adequate energy  
17 with enhanced electricity distribution reliability; have environmental benefits; and create and foster  
18 employment, training, manufacturing, and other economic development in New Hampshire.

19 (b) Recommendations concerning actions necessary to comply with consistency and  
20 mitigation recommendations by the New Hampshire coastal program and other actions to avoid,  
21 minimize, and mitigate impacts to wildlife, natural resources, ecosystems, and traditional or existing  
22 water-dependent uses, including but not limited to, commercial and recreational fishing and transit  
23 lanes and other commercial and recreational maritime activities.

24 (c) Recommendations on the utility use of renewable energy credits accrued through  
25 contracts for offshore wind energy.

26 II. The office shall issue its report on or before June 30, 2024. Said report shall be delivered  
27 to the president of the senate, the speaker of the house of representatives, the chair of the senate  
28 energy committee, the chair of the house science, technology and energy committee, and the  
29 governor.

30 177:3 Effective Date. This act shall take effect upon its passage.

**CHAPTER 177**  
**SB 440-FN - FINAL VERSION**  
**- Page 2 -**

Approved: June 07, 2022  
Effective Date: June 07, 2022

# Amendments



Amendment to SB 440-FN

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

2

3 AN ACT relative to the office of offshore wind industry development.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Subparagraph; Department of Energy; Office of Offshore Wind Industry Development.

8 Amend RSA 12-P:7-b, II by inserting after subparagraph (e) the following new subparagraph:

9 (f) Advise the governor, state agencies, the public utilities commission, and the  
10 legislature on the development of clean energy resources in the Gulf of Maine and the purchase of  
11 power by New Hampshire public utilities from these resources.

12 2 Office of Offshore Wind Industry Development; Report; Clean Energy Resources.

13 I. The office of offshore wind industry development shall report, after consultation with  
14 other state agencies, public utilities, and any relevant stakeholders, on its recommendations  
15 regarding the development of clean energy resources in the Gulf of Maine and the purchase of power  
16 by New Hampshire public utilities from these resources. The report shall include, but not be limited  
17 to:

18 (a) Recommendations on the criteria for evaluating power purchase agreements for  
19 procurement of electricity or hydrogen produced by wind turbines in the Gulf of Maine. These  
20 recommendations shall include criteria for determining whether such contracts: are commercially  
21 reasonable and cost effective for electric ratepayers in New Hampshire; provide adequate energy  
22 with enhanced electricity distribution reliability; have environmental benefits; and create and foster  
23 employment, training, manufacturing, and other economic development in New Hampshire.

24 (b) Recommendations concerning actions necessary to comply with consistency and  
25 mitigation recommendations by the New Hampshire coastal program and other actions to avoid,  
26 minimize, and mitigate impacts to wildlife, natural resources, ecosystems, and traditional or existing  
27 water-dependent uses, including but not limited to, commercial and recreational fishing and transit  
28 lanes and other commercial and recreational maritime activities.

29 (c) Recommendations on the utility use of renewable energy credits accrued through  
30 contracts for offshore wind energy.

31 II. The office shall issue its report on or before June 30, 2024. Said report shall be delivered  
32 to the president of the senate, the speaker of the house of representatives, the chair of the senate

Amendment to SB 440-FN

- Page 2 -

1 energy committee, the chair of the house science, technology and energy committee, and the  
2 governor.

3 3 Effective Date. This act shall take effect upon its passage.

UNAPPROVED

2022-0430s

AMENDED ANALYSIS

This bill directs the office of offshore wind industry development to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same.

UNAPPROVED

Amendment to SB 440-FN

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

2

3 AN ACT relative to the office of offshore wind industry development.

4

5 Amend the bill by replacing all after the enacting clause with the following:

6

7 1 New Subparagraph; Department of Energy; Office of Offshore Wind Industry Development.

8 Amend RSA 12-P:7-b, II by inserting after subparagraph (e) the following new subparagraph:

9 (f) Advise the governor, state agencies, the public utilities commission, and the  
10 legislature on the development of clean energy resources in the Gulf of Maine and the purchase of  
11 power by New Hampshire public utilities from these resources.

12 2 Office of Offshore Wind Industry Development; Report; Clean Energy Resources.

13 I. The office of offshore wind industry development shall report, after consultation with  
14 other state agencies, public utilities, and any relevant stakeholders, on its recommendations  
15 regarding the development of clean energy resources in the Gulf of Maine and the purchase of power  
16 by New Hampshire public utilities from these resources. The report shall include, but not be limited  
17 to:

18 (a) Recommendations on the criteria for evaluating power purchase agreements for  
19 procurement of electricity or hydrogen produced by wind turbines in the Gulf of Maine. These  
20 recommendations shall include criteria for determining whether such contracts: are commercially  
21 reasonable and cost effective for electric ratepayers in New Hampshire; provide adequate energy  
22 with enhanced electricity distribution reliability; have environmental benefits; and create and foster  
23 employment, training, manufacturing, and other economic development in New Hampshire.

24 (b) Recommendations concerning actions necessary to comply with consistency and  
25 mitigation recommendations by the New Hampshire coastal program and other actions to avoid,  
26 minimize, and mitigate impacts to wildlife, natural resources, ecosystems, and traditional or existing  
27 water-dependent uses, including but not limited to, commercial and recreational fishing and transit  
28 lanes and other commercial and recreational maritime activities.

29 (c) Recommendations on the utility use of renewable energy credits accrued through  
30 contracts for offshore wind energy.

31 II. The office shall issue its report on or before June 30, 2024. Said report shall be delivered  
32 to the president of the senate, the speaker of the house of representatives, the chair of the senate

**Amendment to SB 440-FN**

**- Page 2 -**

1 energy committee, the chair of the house science, technology and energy committee, and the  
2 governor.

3 3 Effective Date. This act shall take effect upon its passage.

2022-0596s

AMENDED ANALYSIS

This bill directs the office of offshore wind industry development to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same.

# 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: February 2, 2022

### HEARINGS

| Tuesday                      | 02/08/2022   |
|------------------------------|--|
| (Day)                        | (Date)   |
| Energy and Natural Resources | State House 103      9:00 a.m.   |
| (Name of Committee)          | (Place)      (Time)  |
| 9:00 a.m. <b>SB 268-FN</b>   | relative to the approval of power purchase agreements for offshore wind energy resources from the Gulf of Maine. |
| 9:15 a.m. <b>SB 440-FN</b>   | relative to approval of offshore wind energy contracts.  |
| 9:30 a.m. <b>SB 367</b>      | relative to the regulatory status of advanced recycling and manufacturing facilities.                            |
| 9:45 a.m. <b>SB 429-FN</b>   | relative to the site evaluation committee.   |

### EXECUTIVE SESSION MAY FOLLOW

**Sponsors:**

**SB 268-FN**

|                |                   |                    |                |
|----------------|-------------------|--------------------|----------------|
| Sen. Watters   | Sen. Avard        | Sen. Kahn          | Sen. Rosenwald |
| Sen. Whitley   | Sen. Soucy        | Sen. Perkins Kwoka | Sen. Sherman   |
| Sen. Cavanaugh | Sen. D'Allesandro | Sen. Prentiss      | Rep. Somssich  |
| Rep. Wall      | Rep. Cushing      |                    |                |

**SB 440-FN**

|                |                 |                   |                |
|----------------|-----------------|-------------------|----------------|
| Sen. Watters   | Sen. Sherman    | Sen. D'Allesandro | Sen. Avard     |
| Sen. Rosenwald | Sen. Whitley    | Sen. Soucy        | Sen. Cavanaugh |
| Sen. Prentiss  | Rep. Cali-Pitts | Rep. McGhee       | Rep. Wall      |

**SB 367**

|            |              |                |              |
|------------|--------------|----------------|--------------|
| Sen. Avard | Sen. Watters | Sen. Hennessey | Sen. Bradley |
| Sen. Soucy | Sen. French  | Sen. Cavanaugh | Rep. Pearl   |

**SB 429-FN**

|            |               |           |                 |
|------------|---------------|-----------|-----------------|
| Sen. Giuda | Sen. Watters  | Sen. Ward | Rep. Harrington |
| Rep. Vose  | Rep. Leishman |           |                 |

Daley Frenette 271-3042

Kevin A. Avard  
Chairman



**Senate Energy and Natural Resources Committee**  
*Daley Frenette 271-3042*

**SB 440-FN**, relative to approval of offshore wind energy contracts.

**Hearing Date:** February 8, 2022

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

**Members of the Committee Absent :** None

**Bill Analysis:** This bill directs the office of offshore wind industry development to advise on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same.

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**Sponsors:**

|                 |                |                   |
|-----------------|----------------|-------------------|
| Sen. Watters    | Sen. Sherman   | Sen. D'Allesandro |
| Sen. Avard      | Sen. Rosenwald | Sen. Whitley      |
| Sen. Soucy      | Sen. Cavanaugh | Sen. Prentiss     |
| Rep. Cali-Pitts | Rep. McGhee    | Rep. Wall         |

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**Who supports the bill:** Senator Watters, Senate District 4, Meghan Hoskins, League of Conservation Voters, Representative Peter Somssich, Rockingham-District 27, Kelly Buchanan, CENH, Bruce Clendening, TNC, Suzanne Butcher, Carol Foss, NH Audubon, Jerry beck, Jane Crandell-Glass, Jonathan Glass, Loreley Godfrey, David Dinzeo, Katherine Koning, Cora Quisumbing, Phil Hatcher, Susan Chase, Laura Aronson, Fran Kelly, Denise Clark, Barbara Reed, Eileen English, Sally Hatch, Senator Rosenwald. Senate District 13, Elizabeth Corell, David Dellisola, Bridget Mooney, Sara Smith, Patricia Martin, Glann Brackett, NH AFL-CIO, Helina Josephson, Bruce Berk, Gail Laker-Phelps, Susan Shamel, Linda Matlage, Patricia Beffa-Negrini, Lynn Merlone, Jane Hershey, Anne Thomas, Senator Soucy, Senate District 18, Mel Hinebauch, Ruth Perencevitch, Cindy Milne, Nancy Brennan, Annie Rettew, Louise Spencer, Susan Richman, Rob Spencer, Kate Coon, James Verschueren, Matthew Couture, Judith Saum, Marcella Termini, Joseph Kwasnik, Donna Reardon, Deaglan McEachern, Portsmouth City Councilor, Ed Friedrich, Marianne Tilli-Pauling, Benjamin Stinson, Deborah Leavitt, Senator Sherman, Senate District 24.

**Who opposes the bill:** None.

**Who is neutral on the bill:** Josh Elliot, DOE, Josh Reap, ABC.

**Summary of testimony presented:**

Senator Watters, Senate District 4

- The state has been investigating how to properly foster economic development related to offshore wind and what the policy will be going forward regarding power purchase agreements and renewable energy credits.
- This bill aims to provide transparency for the public, the utilities, and the industry overall.
- Currently, we have set up the Office of Offshore Wind in the DOE. The bill directs the Office of Offshore Wind Industry Development to advise the governor, state agencies, the PUC, and the legislature on the development of clean energy resources in the Gulf of Maine and the purchase of power by New Hampshire public utilities from these resources. This bill also requires the office to generate a report relative to the same.
- This will allow the Office of Offshore Wind Industry Development to set up a process in which stakeholders, utilities, developers, and other actors can come together and discuss the path forward.
- Line 18 of the bill lists the criteria for evaluating power purchase agreements for the procurement of electricity or hydrogen produced by wind turbines in the Gulf of Maine. The criteria includes whether contracts are commercially reasonable and cost effective for ratepayers in New Hampshire; whether they provide adequate energy with enhanced electricity distribution reliably; have environmental benefits; and create and foster employment, training, manufacturing, and other economic development in New Hampshire.
- The bill also includes recommendations concerning actions necessary to comply with consistency, and recommendations by the NH coastal program to avoid, minimize, and mitigate impacts to wildlife, natural resources, ecosystems, and traditional or existing water-dependent uses, including but not limited to commercial and recreational fishing, transit lanes, and other commercial and recreational maritime activities.
- The bill also includes recommendations on how the state should handle clean energy credits.
- The year 2024 is a good timeline to allow the Office of Offshore Wind Industry Development to adjust to the new duties. 2024 will also likely be the year when auctions will begin for offshore wind in the Gulf of Maine.
- There is a nonprofit from Massachusetts that is offering technical support to states on these matters. There are currently discussions with Denmark that has an offer to create MOU's and offer free technical assistance on this industry. This outside help may be beneficial.

Josh Elliot, DOE

- The Department of Energy has no suggestions for language changes or technical corrections.
- The Department of Energy is not taking a position on the bill, but they believe that the Office of Offshore Wind Industry Development will be able to handle this, and the study can be complete within the proposed timeline.

Josh Reap, Association of Builders and Contractors

- ABC represents approximately 260 contractors in New Hampshire.
- This bill is a great way of moving forward with wind energy and having a greener economy. The bill provides economic opportunities for NH companies and is another step in the right direction for transitioning away from fossil fuels.
- Mr. Reap does not believe that private labor agreements are necessary. PLA's have not been successful in other states, and we should evaluate whether PLA's would be right for NH. PLA's may discourage people from bidding under private labor agreements. PLA's require there to be an apprenticeship program that's tied to one particular apprentice program. Mr. Reap recommends making PLA's optional.
- Senator Watters clarified that the concerns Mr. Reap brought up are addressed in the amendment.

DF

Date Hearing Report completed: February 11, 2022

# Speakers

# Senate Energy & Natural Resources Committee

## SIGN-IN SHEET

Date: 2/08/2022 Time: 9:15 a.m.

SB 440-FN AN ACT relative to approval of offshore wind energy contracts.

Name/Representing (please print neatly)

| Name/Representing                            | Support                             | Oppose                              | Speaking? | Yes                                 | No                                  |
|--|-------------------------------------|-------------------------------------|-----------|-------------------------------------|-------------------------------------|
| Sen. Waters (SD 4)                           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Josh Elliott MA Dept of Energy               | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Meghan Hoskins League of Conservation Voters | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| JOSH Reap ABC (neutral) on bill              | <input type="checkbox"/>            | <input type="checkbox"/>            |           | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| Peter Rep. Peter Somssich                    | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |           | <input type="checkbox"/>            | <input type="checkbox"/>            |
| Kelly Buchanan CENH                          | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |           | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
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✓  
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✓  
✓



## Senate Remote Testify

### Energy and Natural Resources Committee Testify List for Bill SB440 on 2022-02

Support: 55 Oppose: 0

| <u>Name</u>             | <u>Title</u>           | <u>Representing</u>   | <u>Position</u> |
|-------------------------|------------------------|-----------------------|-----------------|
| Butcher, Suzanne        | A Member of the Public | Myself                | Support         |
| Foss, Carol             | A Lobbyist             | New Hampshire Audubon | Support         |
| Beck, Jerry             | A Member of the Public | Myself                | Support         |
| Crandell-Glass, Jane    | A Member of the Public | Myself                | Support         |
| Glass, Jonathan         | A Member of the Public | Myself                | Support         |
| Godfrey, Loreley        | A Member of the Public | Myself                | Support         |
| Dinzeo, David           | A Member of the Public | Myself                | Support         |
| Koning, Catherine       | A Member of the Public | Myself                | Support         |
| QUISUMBING-KING, Cora   | A Member of the Public | Myself                | Support         |
| Hatcher, Phil           | A Member of the Public | Myself                | Support         |
| Chase, Susan            | A Member of the Public | Myself                | Support         |
| Aronson, Laura          | A Member of the Public | Myself                | Support         |
| Kelly, Fran             | A Member of the Public | Myself                | Support         |
| Clark, Denise           | A Member of the Public | Myself                | Support         |
| Reed, Barbara           | A Member of the Public | Myself                | Support         |
| English, Eileen         | A Member of the Public | Myself                | Support         |
| hatch, sally            | A Member of the Public | Myself                | Support         |
| Rosenwald, Cindy        | An Elected Official    | SD 13                 | Support         |
| Corell, Elizabeth       | A Member of the Public | Myself                | Support         |
| Dellisola, David        | A Member of the Public | Myself                | Support         |
| Mooney, Bridget         | A Member of the Public | Myself                | Support         |
| Smith, Sara             | A Member of the Public | Myself                | Support         |
| Martin, Patricia        | A Member of the Public | Myself                | Support         |
| Brackett, Glenn         | A Lobbyist             | NH AFL-CIO            | Support         |
| Josephson, Helina       | A Member of the Public | Myself                | Support         |
| Berk, Bruce             | A Member of the Public | Myself                | Support         |
| Laker-Phelps, Gail      | A Member of the Public | Myself                | Support         |
| Shamel, Susan           | A Member of the Public | Myself                | Support         |
| Mattlage, Linda         | A Member of the Public | Myself                | Support         |
| Beffa-Negrini, Patricia | A Member of the Public | Myself                | Support         |
| Merlone, Lynn           | A Member of the Public | Myself                | Support         |
| Hershey, Jane           | A Member of the Public | Myself                | Support         |
| Thomas, Anne            | A Member of the Public | Myself                | Support         |
| Soucy, Donna            | An Elected Official    | SD 18                 | Support         |
| Hinebauch, Mel          | A Member of the Public | Myself                | Support         |
| perencevich, ruth       | A Member of the Public | Myself                | Support         |
| Milne, Cindy            | A Member of the Public | Myself                | Support         |
| Brennan, Nancy          | A Member of the Public | Myself                | Support         |
| Rettew, Annie           | A Member of the Public | Myself                | Support         |
| Spencer, Louise         | A Member of the Public | Myself                | Support         |
| Richman, Susan          | A Member of the Public | Myself                | Support         |
| Spencer, Rob            | A Member of the Public | Myself                | Support         |
| Coon, Kate              | A Member of the Public | Myself                | Support         |
| Verschueren, James      | A Member of the Public | Myself                | Support         |
| Couture, Matthew        | A Member of the Public | Myself                | Support         |
| Saum, Judith            | A Member of the Public | Myself                | Support         |
| Termini, Marcella       | A Member of the Public | Myself                | Support         |

|                         |                        |                    |         |
|-------------------------|------------------------|--------------------|---------|
| kvasnik, joseph         | A Member of the Public | Myself             | Support |
| Reardon, Donna          | A Member of the Public | Myself             | Support |
| McEachern, Deaglan      | An Elected Official    | City of Portsmouth | Support |
| FRIEDRICH, ED           | A Member of the Public | Myself             | Support |
| Tilli-Pauling, Marianne | A Member of the Public | Myself             | Support |
| Stinson, Benjamin       | A Member of the Public | Myself             | Support |
| Leavitt, Deborah        | A Member of the Public | Myself             | Support |
| Sherman, Senator        | An Elected Official    | SD24               | Support |



# Voting Sheets

# Senate Energy & Natural Resources Committee

## EXECUTIVE SESSION RECORD

### 2021-2022 Session

Bill # 440

Hearing Date: 2/8

Executive Session Date: 2/8

Motion of: OTR 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 checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Perkins Kwoka     | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Motion of: Amend. no 2 04305 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 checked="" 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 checked="" 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: ~~OTR~~ OTPA Vote: 5-0

| 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 checked="" 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 checked="" 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: Corkin Vote: 5-0

| 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 checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> |
| Sen. Perkins Kwoka     | <input type="checkbox"/> | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Reported out by: PK

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

# Senate Finance Committee

## EXECUTIVE SESSION

Bill # SB 440-FN

Hearing date: N/A

Executive session date: 02/22/22

Motion of: OTF

VOTE: 6-0

|   |   |  |
|---|---|--|
| <u>Made by</u> Daniels <input type="checkbox"/> | <u>Seconded</u> Daniels <input type="checkbox"/>              | <u>Reported</u> Daniels <input type="checkbox"/>   |
| <u>Senator:</u> Reagan <input type="checkbox"/> | <u>by Senator:</u> Reagan <input checked="" type="checkbox"/> | <u>by Senator:</u> Reagan <input type="checkbox"/> |
| Giuda <input type="checkbox"/>                  | Giuda <input type="checkbox"/>                                | Giuda <input type="checkbox"/>                     |
| Rosenwald <input type="checkbox"/>              | Rosenwald <input type="checkbox"/>                            | Rosenwald <input type="checkbox"/>                 |
| D'Allesandro <input type="checkbox"/>           | D'Allesandro <input type="checkbox"/>                         | D'Allesandro <input type="checkbox"/>              |
| Morse <input type="checkbox"/>                  | Morse <input type="checkbox"/>                                | Morse <input type="checkbox"/>                     |
| Hennessey <input checked="" type="checkbox"/>   | Hennessey <input type="checkbox"/>                            | Hennessey <input checked="" type="checkbox"/>      |

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

VOTE: \_\_\_\_\_

|   |  |  |
|---|--|--|
| <u>Made by</u> Daniels <input type="checkbox"/> | <u>Seconded</u> Daniels <input type="checkbox"/>   | <u>Reported</u> Daniels <input type="checkbox"/>   |
| <u>Senator:</u> Reagan <input type="checkbox"/> | <u>by Senator:</u> Reagan <input type="checkbox"/> | <u>by Senator:</u> Reagan <input type="checkbox"/> |
| Giuda <input type="checkbox"/>                  | Giuda <input type="checkbox"/>                     | Giuda <input type="checkbox"/>                     |
| Rosenwald <input type="checkbox"/>              | Rosenwald <input type="checkbox"/>                 | Rosenwald <input type="checkbox"/>                 |
| D'Allesandro <input type="checkbox"/>           | D'Allesandro <input type="checkbox"/>              | D'Allesandro <input type="checkbox"/>              |
| Morse <input type="checkbox"/>                  | Morse <input type="checkbox"/>                     | Morse <input type="checkbox"/>                     |
| Hennessey <input type="checkbox"/>              | Hennessey <input type="checkbox"/>                 | Hennessey <input type="checkbox"/>                 |

| <u>Committee Member</u>    | <u>Present</u>                      | <u>Yes</u>                          | <u>No</u>                | <u>Reported out by</u>              |
|----------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|
| Senator Daniels, Chairman  | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Senator Reagan, Vice-Chair | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Senator Giuda              | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Senator Hennessey          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Senator Rosenwald          | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |
| Senator Morse              | <input checked="" type="checkbox"/> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/>            |
| Senator D'Allesandro       | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/>            |

Amendments: \_\_\_\_\_

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

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Thursday, February 10, 2022

THE COMMITTEE ON Energy and Natural Resources

to which was referred **SB 440-FN**

AN ACT

relative to approval of offshore wind energy  
contracts.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0596s

Senator Rebecca Perkins Kwoka  
For the Committee

Currently, New Hampshire is developing methods on how to foster economic development related to offshore wind and what the state policies will be regarding power purchase agreements, renewable energy credits, and the arrival of the offshore wind industry. SB 440-FN aims to provide transparency for the offshore wind industry, the utility companies, and the public. The bill as amended directs the office of offshore wind industry development to advise on the development of clean energy resources in the Gulf of Maine as well and the purchase of power by New Hampshire public utilities from these resources. The amended bill also requires the office of offshore wind industry development to generate a report on these matters.

Sonja Caldwell 271-2117

FOR THE CONSENT CALENDAR

**ENERGY AND NATURAL RESOURCES**

**SB 440-FN**, relative to approval of offshore wind energy contracts.

Ought to Pass with Amendment, Vote 5-0.

Senator Rebecca Perkins Kwoka for the committee.

Currently, New Hampshire is developing methods on how to foster economic development related to offshore wind and what the state policies will be regarding power purchase agreements, renewable energy credits, and the arrival of the offshore wind industry. SB 440-FN aims to provide transparency for the offshore wind industry, the utility companies, and the public. The bill as amended directs the office of offshore wind industry development to advise on the development of clean energy resources in the Gulf of Maine as well and the purchase of power by New Hampshire public utilities from these resources. The amended bill also requires the office of offshore wind industry development to generate a report on these matters.

STATE OF NEW HAMPSHIRE  
SENATE  
REPORT OF THE COMMITTEE

Tuesday, February 22, 2022

THE COMMITTEE ON Finance

to which was referred **SB 440-FN**

AN ACT                      relative to the office of offshore wind industry  
development.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF:    6-0

Senator Erin Hennessey  
For the Committee

Deb Martone 271-4980

| Docket of SB440 |   |  |
|-----------------|---|--|
| 12/30/2021      | S | To Be Introduced 01/05/2022 and Referred to Energy and Natural Resources; SJ 1               |
| 02/02/2022      | S | Hearing: 02/08/2022, Room 103, SH, 09:15 am; SC 6  |
| 02/10/2022      | S | Committee Report: Ought to Pass with Amendment # 2022-0596s, 02/16/2022; Vote 5-0; CC; SC 7  |
| 02/16/2022      | S | Committee Amendment # 2022-0596s, AA, VV; 02/16/2022; SJ 3                                   |
| 02/16/2022      | S | Ought to Pass with Amendment 2022-0596s, MA, VV; Refer to Finance Rule 4-5; 02/16/2022; SJ 3 |
| 02/22/2022      | S | Committee Report: Ought to Pass, 02/24/2022; SC 8A   |
| 02/24/2022      | S | Ought to Pass: MA, VV; OT3rdg; 02/24/2022; SJ 4  |
| 03/23/2022      | H | Introduced 03/17/2022 and referred to Science, Technology and Energy                         |
| 03/30/2022      | H | Public Hearing: 04/05/2022 10:00 am LOB 306-308  |
| 04/15/2022      | H | Executive Session: 04/05/2022 10:00 am LOB 306-308   |
| 04/15/2022      | H | Committee Report: Ought to Pass (Vote 18-0; CC)  |
| 05/18/2022      | H | Ought to Pass: MA VV 05/04/2022 HJ 11  |
| 05/27/2022      | S | Enrolled Adopted, VV, (In recess 05/26/2022); SJ 13  |
| 05/27/2022      | H | Enrolled (in recess of) 05/26/2022 HJ 14   |
| 06/08/2022      | S | Signed by the Governor on 06/07/2022; Chapter 0177; Effective 06/07/2022                     |



# Docket of SB440

**Bill Title:** (New Title) relative to the office of offshore wind industry development.

*Official Docket of SB440.:*

| <b>Date</b> | <b>Body</b> | <b>Description</b>   |
|-------------|-------------|--|
| 12/30/2021  | S           | To Be <b>Introduced</b> 01/05/2022 and Referred to Energy and Natural Resources; <b>SJ 1</b>               |
| 2/2/2022    | S           | <b>Hearing:</b> 02/08/2022, Room 103, SH, 09:15 am; <b>SC 6</b>  |
| 2/10/2022   | S           | Committee Report: Ought to Pass with Amendment <b>#2022-0596s</b> , 02/16/2022; Vote 5-0; CC; <b>SC 7</b>  |
| 2/16/2022   | S           | Committee Amendment <b>#2022-0596s</b> , AA, VV; 02/16/2022; <b>SJ 3</b>                                   |
| 2/16/2022   | S           | <b>Ought to Pass with Amendment</b> 2022-0596s, MA, VV; Refer to Finance Rule 4-5; 02/16/2022; <b>SJ 3</b> |
| 2/22/2022   | S           | Committee Report: Ought to Pass, 02/24/2022; <b>SC 8A</b>  |
| 2/24/2022   | S           | <b>Ought to Pass:</b> MA, VV; OT3rdg; 02/24/2022; <b>SJ 4</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 10:00 am LOB 306-308  |
| 4/15/2022   | H           | Executive Session: 04/05/2022 10:00 am LOB 306-308   |
| 4/15/2022   | H           | Committee Report: Ought to Pass (Vote 18-0; CC)  |
| 5/18/2022   | H           | <b>Ought to Pass:</b> MA VV 05/04/2022 <b>HJ 11</b>  |
| 5/27/2022   | H           | Enrolled (in recess of) 05/26/2022 <b>HJ 14</b>  |
| 5/27/2022   | S           | Enrolled Adopted, VV, (In recess 05/26/2022); <b>SJ 13</b>   |
| 6/8/2022    | S           | Signed by the Governor on 06/07/2022; Chapter 0177; Effective 06/07/2022                                   |

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NH House

NH Senate

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# Other Referrals

**Senate Inventory Checklist for Archives**

Bill Number: SB 440-FN

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 # 04305      \_\_\_ - amendment # \_\_\_\_\_
- amendment # 05965      \_\_\_ - 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:

[Signature]  
Committee Aide

6/24/22  
Date

Senate Clerk's Office AK

**Senate Inventory Checklist for Archives**

Bill Number: SB 440-FN

Senate Committee: FINANCE

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:

Debra A. Martore  
Committee Aide

06/27/22  
Date

Senate Clerk's Office AK