

# Senate Energy and Natural Resources Committee

## *Griffin Roberge 271-2878*

**SB 116**, requiring notice to affected municipalities of energy facility siting.

**Hearing Date:** January 31, 2017

**Time Opened:** 11:05 a.m.

**Time Closed:** 11:13 a.m.

**Members of the Committee Present:** Senators Fuller Clark, Innis, Bradley and Avar

**Members of the Committee Absent:** Senator Feltes

**Bill Analysis:** This bill requires applicants for an energy facility certificate to give notice to affected municipalities.

**Sponsors:**

Sen. Ward

Sen. Innis

Sen. Fuller Clark

Sen. Feltes

Sen. Sanborn

Rep. Kurk

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**Who supports the bill:** Rep. Suzanne Smith (Grafton – District 8), Senator Ruth Ward (District 8), Senator Dan Innis (District 24), Cordell Johnston (NH Municipal Association), Rep. Peter Somssich (Rockingham – District 27), Senator Andy Sanborn (District 9).

**Who opposes the bill:** N/A.

**Who is neutral on the bill:** Pamela Monroe (SEC).

**Summary of testimony presented in support:**

*Senator Ruth Ward*

*Senate District 10*

- As the prime sponsor, SB 116 requires notice to affected municipalities of any application to the Site Evaluation Committee (SEC) for a certificate to construct an energy facility.
- Large wind facilities can go up, but no notice is given to those in the municipality and the surrounding communities.

*Cordell Johnson*

*Government Affairs Counsel, NH Municipal Association (NHMA)*

- The NHMA's legislative policy conference supported this legislation in

September 2016.

- SB 116 would require the applicant to notify any municipality in which a facility is located, or from which can be visible or audible, at least 14 days before a public information session about the proposed facility.
- Under current law, the applicant is merely required to hold a public information session in each county where the proposed facility would be located, and publish notice of the hearing in a newspaper which has general circulation in that county. As a result, if a facility is proposed to be located in a town that abuts a county line, municipalities across that line, which may be profoundly affected by the facility, might not learn about the proposal until the process is well under way.
- SB 116 does not grant a municipality any power in whether or not a certificate can be issued. It merely ensures that affected municipalities will know about a proposal early in the process and have an opportunity to comment.
- Senator Avard asked if the intention is just to notify a municipality. Mr. Johnston said SB 116 is not to give municipalities the authority to approve or deny a certificate. The bill would allow a municipality the opportunity to provide feedback on a proposed energy facility.

**Summary of testimony presented in opposition:** N/A.

**Neutral Information Presented:**

*Pamela Moore*

*Administrator, Site Evaluation Committee (SEC)*

- SEC does not have a position on SB 116 as written.
- The SEC does have rules requiring an applicant to provide public hearings. SB 116 would codify those requirements.
- Senator Avard mentioned that this requirement is important as the SEC already has it in their rules for applicants. Ms. Moore said that Senator Avard was correct.
- Senator Fuller Clark asked if there was any harm in codifying the requirement on the part of the applicant. Ms. Moore stated that SB 116 would put in statute what the SEC already has in its rules.

**Future Action:** Pending

GJR

Date Hearing Report completed: February 1, 2017