CONSENT CALENDAR

November 6, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Science, Technology and Energy to which was referred HB 176,

AN ACT relative to rules of the site evaluation committee. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. Michael Harrington

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Science, Technology and Energy**
Bill Number:	**HB 176**
Title:	**relative to rules of the site evaluation committee.**
Date:	**November 6, 2023**
Consent Calendar:	**CONSENT**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

During the executive session, it was determined that there were significant drafting errors in the bill. For that reason, the bill was voted Inexpedient to Legislate.

Vote 20-0.

Rep. Michael Harrington
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Science, Technology and Energy
HB 176, relative to rules of the site evaluation committee. **INEXPEDIENT TO LEGISLATE.**
Rep. Michael Harrington for Science, Technology and Energy. During the executive session, it was determined that there were significant drafting errors in the bill. For that reason, the bill was voted Inexpedient to Legislate. **Vote 20-0.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 176

BILL TITLE: relative to rules of the site evaluation committee.

DATE: November 6, 2023

LOB ROOM: 302-304

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Harrington Seconded by Rep. Lewicke Vote: 20-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep JD Bernardy, Clerk

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: HB176 Motion: ITL OTP OTP/A IMP AM #: Exec Session Date: 6 Nov 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman	X		
Thomas, Douglas W. Vice Chairman	X		
Notter, Jeanine M.	X		
Harrington, Michael D.	X		
~~Merner, Troy E.~~ Kennedy, Steven	X		
Lewicke, John	X		
Berezhny, Lex	X		
Bernardy, JD Clerk	X		
Ploszaj, Tom	X		
Summers, James	X		
McGhee, Kat	X		
McWilliams, Rebecca J.	X		
Chretien, Jacqueline H.	X		
Parshall, Lucius	X		
Caplan, Tony	X		
Muns, Chris	X		
Noël, Henry W.	X		
Thomas, Wendy E.N.	X		
Cormen, Thomas H	X		
~~Raynolds, Ned~~ Porter, Angela	X		
TOTAL VOTE:	20	0	

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

SUBCOMMITTEE WORK SESSION on HB 176

BILL TITLE: relative to rules of the site evaluation committee.

DATE: September 26, 2023

Subcommittee Members: Reps. Vose, D. Thomas, Bernardy, Notter, Harrington, Lewicke, Ploszaj, Summers, McGhee, McWilliams, Caplan, Parshall, Muns, Noel, W. Thomas and Cormen

Comments and Recommendations: Question on extensive rule review vs 4 specific rules. Amend to OTPA to limit the 4 specific rules. No Subcommittee.

Respectfully submitted,

Rep. JD Bernardy
Subcommittee Clerk

HOUSE COMMITTEE ON Science, Technology and Energy

BILL NUMBER: **HB 176**

BILL TITLE: **relative to rules of the site evaluation committee.**

DATE: **February 13, 2023**

THE COMMITEE HAS VOTED TO RETAIN THIS BILL.

_____

Rep. Vose, Chair

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

EXECUTIVE SESSION on HB 176

BILL TITLE: relative to rules of the site evaluation committee.

DATE: February 13, 2023

LOB ROOM: 302-304

MOTIONS: RETAINED

Moved by Rep. D. Thomas Seconded by Rep. Bernardy Vote: 18-0

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep JD Bernardy, Clerk

OFFICE OF THE HOUSE CLERK

1/31/2023 2:59:26 PM
Roll Call Committee Registers Report

2023 SESSION

Science, Technology and Energy

Bill #: HB 176 Motion: Retain AM #: Exec Session Date: 13 Feb 2023

Members	YEAS	Nays	NV
Vose, Michael Chairman	1		
Thomas, Douglas W. Vice Chairman	1		
Notter, Jeanine M.	1		
Harrington, Michael D.			—
Merner, Troy E.			—
~~Lewicke, John~~ Brown, Cerrold	1		
Berezhny, Lex	1		
Bernardy, JD Clerk	1		
Ploszaj, Tom	1		
Summers, James	1		
~~McGhee, Kat~~ Hamblet, Joan	1		
McWilliams, Rebecca J.	1		
~~Chretien, Jacqueline H.~~ Spier, Carry	1		
Parshall, Lucius	1		
Caplan, Tony	1		
Muns, Chris	1		
Noël, Henry W.	1		
Thomas, Wendy E.N.	1		
Cormen, Thomas H	1		
Raynolds, Ned	1		
TOTAL VOTE:	18	0	2

HOUSE COMMITTEE ON SCIENCE, TECHNOLOGY AND ENERGY

PUBLIC HEARING ON HB 176

BILL TITLE: relative to rules of the site evaluation committee.

DATE: January 30, 2023

LOB ROOM: 302-304 **Time Public Hearing Called to Order:** 10:02 a.m.

Time Adjourned: 10:28 a.m.

Committee Members: Reps. Vose, D. Thomas, Bernardy, Notter, Harrington, Merner, Lewicke, Berezhny, Ploszaj, Summers, McGhee, McWilliams, Chretien, Parshall, Caplan, Muns, Noel, W. Thomas, Cormen and Raynolds

Bill Sponsors:
Rep. Harrington

TESTIMONY

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

Rep Michael Harrington
- Site Evaluation ~~Commission~~ Committee
- Expanded rules for windmills to everything, this bill corrects the error
- Merit to evaluate applicability to other projects
- Should be a follow-up legislative process

Meredith Hatfield - Nature Conservancy
- Believe ~~ruses~~ rules were faithfully crafted - were approved by JLCAR
- Better to refer back to JLCAR or file petition with Site Evaluation ~~Commission~~ Committee to reconsider rules

Respectfully submitted,

Rep JD Bernardy, Clerk

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: HB176 Date: 1/30/23

Committee: Science

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con

House Remote Testify

Science, Technology and Energy Committee Testify List for Bill HB176 on 2023-01-30

Support: 1 Oppose: 57 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Support	No	No	1/26/2023 3:03 PM
Grossman, Kenneth	BARRINGTON, NH ken.grossman.100@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/28/2023 12:56 PM
Beffa-Negrini, Patricia	Nelson, NH pbeffa@me.com	A Member of the Public	Myself	Oppose	No	No	1/28/2023 1:06 PM
Liebowitz, Susan	Plainfield, NH supawali@hotmail.com	A Member of the Public	Myself	Oppose	No	No	1/28/2023 3:21 PM
Hurley, Jack	Claremont, NH jackhurley696@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/28/2023 7:09 PM
Raven, Mary	Merrimack, NH marybeth.raven@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/28/2023 8:22 PM
MacKenzie, Rebecca	Claremont, NH reb178@myfairpoint.net	A Member of the Public	Myself	Oppose	No	No	1/28/2023 8:32 PM
Richman, Susan	Durham, NH susan7richman@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/28/2023 10:24 PM
Southard, Barbara	Bradford, NH barbsouthard@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 10:59 AM
Grossi, Annne	Bedford, NH adgrossi7982@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 12:22 PM
Thomas, A	Rindge, NH annekerosie@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 12:25 PM
berk, bruce	Pittsfield, NH bruce.berk.nh@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 12:44 PM
Wessels, Susan	RINDGE, NH slwessels2010@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 12:55 PM

Connors, Margaret	Sugar Hill, NH Connorsmargo@gmail.com	An Elected Official	Myself	Oppose	No	No	1/29/2023 2:17 PM
Rasche, Patrice	Canterbury, NH mattieandriley@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 2:31 PM
Rasche, Stephen	Canterbury, NH mattieandriley@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 2:34 PM
Jernstedt, Margaret	Hanover, NH Margaret.Jernstedt@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/29/2023 3:54 PM
Bushueff, Catherine	Sunapee, NH agawamdesigns@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 4:39 PM
Oxenham, Lee	Plainfield, NH leeoxenham@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/29/2023 9:10 PM
Brennan, Nancy	Weare, NH burningnan14@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 9:35 PM
Poor, Herrika	CORNISH, NH hwpoor@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 9:36 PM
Brennan, Arthur	Weare, NH arete201314@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 9:37 PM
Robertson-Souter, Catherine	Windham, NH catsout@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/29/2023 9:59 PM
Oxenham, Evan	Plainfield, NH evan.oxenham@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 10:14 PM
Glass, Jonathan	Cornish, NH jglass1063@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 10:21 PM
Crandell-Glass, Jane	Cornish, NH bostonjane@me.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 10:25 PM
Reardon, Donna	Concord, NH bugs42953@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/29/2023 11:53 PM
Torpey, Jeanne	Concord, NH jtorp51@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2023 5:26 AM
Kwasnik, Joseph	Concord, NH jkwasnik25@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 5:59 AM
Corell, Elizabeth	Concord, NH Elizabeth.j.corell@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 7:13 AM
Taylor, Susan	Plainfield, NH sueetaylor158@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 7:28 AM

Taylor, David	Plainfield, NH dstaylor342@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 7:39 AM
Racusin, Sharon	Hanover, NH sdracusin@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 7:39 AM
Palmer, William	Cornish, NH wpalmernh@gmail.com	An Elected Official	Myself	Oppose	No	No	1/30/2023 8:09 AM
Poor, Dan	CORNISH, NH dpoor45@gmail.com	An Elected Official	Myself	Oppose	No	No	1/30/2023 8:11 AM
Lurie, Elizabeth	Plainfield, NH ehlurie@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2023 8:40 AM
Termini, Marcella	Manchester, NH marcellatermini@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 8:53 AM
Raspiller, Cindy	Mont Vernon, NH raspicl@hotmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 9:27 AM
Lenz, Elaine	Meriden, NH eglenz@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2023 9:27 AM
Leahy, Matt	Concord, NH mleahy@forestsociety.org	A Lobbyist	Society for the Protection of NH Forests	Oppose	No	No	1/30/2023 9:43 AM
Brown, Howard	Mont Vernon, NH Hobro39@hotmail.com	An Elected Official	Myself	Oppose	No	No	1/30/2023 10:02 AM
Moore, Susan	Franconia, NH susan.moore.franconia@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 10:13 AM
Jones, Andrew	Pembroke, NH arj11718@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 10:31 AM
Devore, Gary	Pembroke, NH torin_asheron@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 10:43 AM
Martin, Patricia	Rindge, NH pmartin2894@yahoo.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 10:52 AM
Liscord, Barbara	Mont Vernon, NH barbmcklis@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 11:07 AM
Damon, Claudia	Concord, NH cordsdamon@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 11:17 AM
Covert, Susan	Contoocook, NH scovert@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2023 1:17 PM
Thomas, William	Auburn, NH nhvfp@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2023 4:40 PM

Fudge, Kim Marie	NORTH CONWAY, NH kimfudge20@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 4:57 PM
Cote, Lois	Manchester, NH, NH lcote06@outlook.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 7:53 PM
Holt, David	Somersworth, NH davholt@aol.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 8:04 PM
Rettew, Annie	Concord, NH abrettew@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 8:23 PM
Spencer, Louise	Concord, NH lpskentstreet@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 8:32 PM
Davis, Gregory	Salem, NH glospreys@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2023 8:33 PM
Steel, Sandy	PLAINFIELD, NH selizabethsteel@gmail.com	A Member of the Public	Myself	Oppose	No	No	1/30/2023 10:50 PM
Billingham, Carla	Salem, NH billingham2@comcast.net	A Member of the Public	Myself	Oppose	No	No	1/30/2023 11:05 PM
Gregory-Davis, Rev. John	Meriden, NH 03770, NH john@meridenucc.org	A Member of the Public	Myself	Oppose	No	No	1/30/2023 11:29 PM

CLEAN ENERGY NH
Your Voice in All Energy Matters
14 Dixon Ave, Suite 202 | Concord, NH 03301 | (603) 573-9926

January 30, 2023

Representative Michael Vose, Chair
House Science, Technology, and Energy Committee
Legislative Office Building, Room 304
Concord, NH 03301

Testimony on HB630-FN, establishing a revolving clean energy accelerator fund in the department of energy.

Dear Chairman Vose and members of the Committee,

Clean Energy NH supports HB630 in concept, though we recognize that it may require substantial revisions.

Federal legislation passed last year set aside $27 billion dollars for the creation of revolving loan funds like the one described in this legislation. Such funds currently exist in 37 states and have mobilized $9 billion worth of capital in clean energy investments throughout the country. [1]

The new federal funding that will soon become available to such institutions is separated into three "buckets":

- $7 billion that is earmarked for projects intended to help low-income and disadvantaged communities deploy or benefit from zero-emission technology or other greenhouse gas emission reduction activities.
- $8 billion to support low income and disadvantaged communities by funding direct or indirect investments in renewable energy projects that would otherwise lack access to financing.
- $12 billion that can be used broadly to support eligible direct and indirect investments in renewable energy projects nationwide.

While the specific language of this legislation may not be the right approach for determining how to best ensure that our federal tax dollars are returned to us, it is worthy of this committees time and attention to investigate and ensure that the state has created the institutional structures necessary to ensure that New Hampshire's federal tax dollars are not reallocated to other states.

Appropriate action in this regard could include:

1. Creating a new state institution to receive these funds;
2. Expanding the charter of an existing state agency to include the capacity to house a green bank;
3. Officially designating an existing non-profit as the state's green bank;

[1] https://www.ncelenviro.org/app/uploads/2022/12/Green-Bank-IRA-Issue-Brief.pdf

4. Simply soliciting input of various entities that could administer this funding, and evaluating if they believe they require enabling legislative language in order to pursue it.

With the complex and evolving nature of this new federal program, as well as the size of the potential funding stream in question, this is an appropriate topic for this committee to invest some time and due diligence on behalf of your constituents. Allowing federal funding that ought to be allocated to New Hampshire to be gobbled up by other states is not in the interest of your constituents.

Sincerely,



Sam Evans-Brown
Executive Director

Clean Energy NH is a 501(c)(3) nonprofit organization. Our membership includes 130+ businesses, 34 municipal members—comprising over 300,000 NH citizens—and 400+ individuals in every corner of the Granite State. We advocate for the adoption of clean energy initiatives through a non-partisan, fact-based lens.

SOCIETY FOR THE PROTECTION OF NEW HAMPSHIRE FORESTS
SINCE 1901

54 Portsmouth Street
Concord, NH 03301
Tel. 603.224.9945
Fax 603.228.0423
info@forestsociety.org
www.forestsociety.org

January 27, 2023

The Honorable Michael Vose, Chairman
Committee on Science, Technology and Energy
New Hampshire House of Representatives
Legislative Office Building, Room 304
Concord, NH

Dear Chairman Vose and Members of the Committee:

Thank you for accepting these comments from the Society for the Protection of New Hampshire regarding House Bill 176, legislation regarding the rules of the New Hampshire Site Evaluation Committee.

The Forest Society opposes this legislation. As you know, the Joint Legislative Committee on Administrative Rules (JLCAR) is charged under NH RSA 541-A with reviewing and approving proposed rules filed by state agencies. 541-A:13 IV states that JLCAR may object to a proposed rule if the rule is:
(a) Beyond the authority of the agency;
(b) Contrary to the intent of the legislature;
(c) Determined not to be in the public interest; or
(d) Deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement.

JLCAR reviewed and approved the rules of the Site Evaluation Committee in 2015. As part of that process, JLCAR needed to examine the SEC rules using the standards expressed at 541-A:13 IV. Because the Committee approved the SEC rules, we can presume those rules did not violate 541-A:13 IV.

In short, HB 176 is not needed. We would therefore respectfully ask the Committee to find this legislation as Inexpedient to Legislate. Thank you.

Sincerely,

Matt Leahy, Public Policy Director
Society for the Protection of New Hampshire Forests

Daniel Richardson

Mary Raven

I oppose this bill because it will result in less oversight by the committee at a time when we need to be particularly concerned about any new sites involving fossil fuels.

Rebecca MacKenzie

We need more scrutiny, not less. Thank you.

bruce berk

Site evaluation requirments need to be enhanced and not nuetered. NH has a growing waste problem. This bill does engage that need.

Donna Reardon

Susan Taylor

This bill would defang a very effective organization!

Sharon Racusin

Cindy Raspiller

NA

Howard Brown

NA

William Thomas

Am strongly in support of HB 208.

HB 176 - AS INTRODUCED

2023 SESSION

23-0677
08/10

HOUSE BILL ***176***

AN ACT relative to rules of the site evaluation committee.

SPONSORS: Rep. Harrington, Straf. 18

COMMITTEE: Science, Technology and Energy

ANALYSIS

This bill requires the site evaluation committee to amend certain adopted rules.

- -

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.

HB 176 - AS INTRODUCED

23-0677
08/10

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

AN ACT relative to rules of the site evaluation committee.

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

1 New Paragraph; Site Evaluation Committee; Rules. Amend RSA 162-H:10 by inserting after paragraph VII the following new paragraph:

VIII. No later than 60 days after the effective date of this paragraph, the committee shall initiate a proceeding to amend adopted rules Site 100 through Site 300 to ensure that no authority is assumed to the committee that is not specifically authorized by RSA 162-H.

2 Site Evaluation Committee; Rules. In order to amend the rules pursuant to section 1 of this act, the committee shall include, but not be limited to, the following:

(a) Site rule 301.11(b) exceeds the authority of the committee by requiring the committee to conduct an adjudicative hearing prior to exempting an applicant from the approval and certificate provisions of RSA 162-H.

(b) Site 301.05, requires applications for proposed energy facilities to include a visual impact assessment. Such assessment is required for wind energy systems only under RSA 162-H:10-a, II(1). There is no such requirement in RSA 162-H:7 which applies to energy facilities in general.

(c) Site 301.08(c)(1) and (3) require all energy facilities to have a sound assessment and fire protection plan which are required only for wind energy facilities under RSA 162-H:10-a and high pressure gas pipelines under RSA 162-H:10-b.

(d) Site 301.08(c)(4) requires all energy facilities to have an emergency response plan. There is no such requirement in RSA 162-H.

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