HB 1170-FN - AS INTRODUCED

2024 SESSION

24-2107
10/05

HOUSE BILL ***1170-FN***

AN ACT requiring public benefit and community impact assessments from the department of environmental services.

SPONSORS: Rep. W. Thomas, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. M. Perez, Hills. 43; Rep. Meuse, Rock. 37

COMMITTEE: Environment and Agriculture

ANALYSIS

This bill requires the department of environmental services to conduct public benefit and community impact assessments when the department considers any permit or project to ensure that human values, safety, and concerns receive proper consideration during planning and project development.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Four

AN ACT requiring public benefit and community impact assessments from the department of environmental services.

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

1 New Section; Department of Environmental Services; Public Benefit and Community Impact Assessments. Amend RSA 21-O by inserting after section 3 the following new section:

21-O:3-a Public Benefit and Community Impact Assessments.

I. The commissioner shall direct the department to conduct public benefit and community impact assessments when considering any permit or project administered by the department under provisions of Title X and Title L of the RSA to ensure that human values, safety, and concerns receive proper consideration during planning and project development. Before granting a permit or going forth with a project, the department shall demonstrate that there is positive community impact and a positive public benefit.

II. Assessments of public benefit and community impact shall include the following:

(a) The department shall proactively engage with the community to identify community benefits and address potential negative impacts of certain projects.

(b) Input from members of the public and the community of interest must also be considered when determining public benefit and community impact. Input shall include the community in which a project is located as well as neighboring communities.

(c) The commissioner shall identify impact assessment indicators to be tracked by the department, which are the specific, measurable things will allow the assessment of a project or determine the effectiveness of interventions. Public benefit and community impact assessments can be measured through surveys, polls, one-on-one interviews, or focus groups, as well as other measuring tools.

III. For this section:

(a) “Public benefit” means a material positive impact on society and the environment, through activities that promote some combination of specific public benefits. Included in this assessment is identifying the dangers and/or threats to public health.

(b) "Community impact" includes the outcomes of a community needs assessment and shall be addressed in the following 3 main categories: policy change, systems change, and environmental change. This assessment of community impact shall address any laws, regulations, rules, protocols, and procedures that are designed to guide or influence behavior. Community impact shall include infrastructure needs such as the use of roads in the surrounding area.

IV. The commissioner shall adopt rules under RSA 541-A to implement the requirements of this section.

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

LBA
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10/20/23

HB 1170-FN- FISCAL NOTE
AS INTRODUCED

AN ACT relative to requiring public benefit and community impact assessments from the department of environmental services.

FISCAL IMPACT: [X] State [X] County [ ] Local [ ] None

Estimated State Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
Revenue	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Revenue Fund(s)	Fee revenue from various permit fees.			
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source(s)	General Fund			
Appropriations	$0	$0	$0	$0
Funding Source(s)	None			

- Does this bill provide sufficient funding to cover estimated expenditures? [X] No
- Does this bill authorize new positions to implement this bill? [X] No

Estimated Political Subdivision Impact - Increase / (Decrease)				
	FY 2024	**FY 2025**	**FY 2026**	**FY 2027**
County Revenue	$0	$0	$0	$0
County Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Local Revenue	$0	$0	$0	$0
Local Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase

METHODOLOGY:

The Department of Environmental Services indicates this bill would create a broad requirement for the Department to consider the public benefit and community impact of all of its permits and projects. The Department notes the term "project" is not defined in the bill so it is not possible to know what agency activities are included in the requirement. The Department provided the following information concerning the fiscal impact of the bill:

- If projects includes all loans and grants as well as permits, then the universe of activities covered is quite expansive. Department activities span 133 chapters of state law and include at least 108 different permit types.
- Typically over 10,000 permits are generated per year covering activities from hazardous waste cleanup to wetlands impacts and air discharges. The bill would require an analysis of the public benefit and community impact of each one of these permits.
- The bill would require the Department to engage with each community on a proactive basis to identify benefits and potential impacts. It would create a new requirement for public input both in the community in which a permit or project is located as well as neighboring communities.
- Many permits do not currently require public input, nor do the time frames for those permits (some as short at 30 days) allow for public comment periods. The Commissioner would be responsible for creating "impact assessment indicators" that must be tracked in perpetuity. This would require expertise in areas such as public surveys and focus groups.
- There is no source of revenue/funding identified to address the additional requirements and there are no additional positions authorized.
- County and local expenditures may increase. As additional information is be needed from the permit applicants, the expense of gathering that information would be passed along to the county and local governments when they need a permit. This would also be the case for private sector applicants. There would be no impact pm county and local revenues.

The Department states, given the broad reach of the bill, the Department would establish a new bureau within the Commissioner's office to make the assessments of public benefit and community impact. This effort would require economists, toxicologists, sociologists, program administrators and public interaction specialists. To accommodate existing time frames, the number of employees needed to carry out this function would be substantial; potentially numbering in the dozens. The Department would require databases to track "impact assessment indicators" and decisions made on the projects/permits. The bill would establish new avenues for permit appeals, so both the Department's legal unit and the Department of Justice would need additional personnel. Finally, development of the necessary administrative rules would be time consuming and require additional staff. The costs of the new personnel, equipment and technology required to comply with this proposed legislation are unknown, but given the number of staff potentially needed, the Department assumes the cost is likely to be in the millions of dollars.

AGENCIES CONTACTED:

Department of Environmental Services