CHAPTER 341
HB 1465-FN - FINAL VERSION

22Feb2024... 0650h
05/15/2024 1691s
13Jun2024... 2343EBA

2024 SESSION

24-2572
10/05

HOUSE BILL ***1465-FN***

AN ACT relative to studies of nuclear energy technologies and renaming the office of offshore wind industry development.

SPONSORS: Rep. Ammon, Hills. 42; Rep. Harrington, Straf. 18; Rep. D. Thomas, Rock. 16; Rep. See, Merr. 26; Rep. P. Schmidt, Straf. 14; Rep. Cambrils, Merr. 4; Rep. A. Lekas, Hills. 38; Rep. T. Lekas, Hills. 38; Rep. Osborne, Rock. 2; Sen. Pearl, Dist 17; Sen. Watters, Dist 4

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill requires the department of energy to coordinate the continuing studies by various state agencies on the uses and development of nuclear energy, including advanced nuclear reactors, and wind energy. This bill renames the office of offshore wind industry development to the office of offshore wind industry development and energy innovation.

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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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to studies of nuclear energy technologies and renaming the office of offshore wind industry development.

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

341:1 Nuclear Energy Policy; Continuing Studies. Amend RSA 162-B:1 and 2 to read as follows:

162-B:1 Declaration of Policy.

I. The state of New Hampshire endorses the action of the Congress of the United States in enacting the Atomic Energy Act of 1954 to institute a program to encourage the widespread participation in the development and utilization of atomic energy for peaceful purposes to the maximum extent consistent with the common defense and security and with the health and safety of the public; and therefore declares the policy of the state to be, (1) To cooperate actively in the program thus instituted; and (2) To the extent that the regulation of special nuclear materials and by-product materials, of production facilities and utilization facilities, and of persons operating such facilities, may be within the jurisdiction of the state, to provide for the exercise of the state's regulatory authority so as to conform, as nearly as may be, to the Atomic Energy Act of 1954***, as amended,*** and regulations issued thereunder, to the end that there may, in effect, be a single harmonious system of regulation within the state.

II. The state of New Hampshire recognizes that the development of industries producing or utilizing atomic energy may result in new conditions calling for changes in the laws of the state and in [~~regulations issued~~] ***administrative rules*** thereunder with respect to health and safety, working conditions, workers' compensation, transportation, public utilities, life, health, accident, fire, and casualty insurance, the conservation of natural resources, including wildlife, and the protection of streams, rivers and airspace from pollution, and therefore declares the policy of the state to be, (1) To adapt its laws and [~~regulations~~] ***rules*** to meet the new conditions in ways that will encourage the healthy development of industries producing or utilizing atomic energy while at the same time protecting the public interest; and (2) To initiate continuing studies [~~of~~] ***and regularly publish public results concerning*** the need for changes in the relevant laws and [~~regulations~~] ***rules*** of the state by the respective departments and agencies of state government responsible for their administration; and (3) To assure the coordination of the studies thus undertaken, particularly with other atomic industrial development activities of the state and with the development and regulatory activities of other states and of the government of the United States.

162-B:2 United States Licenses or Permits Required. No person shall manufacture, construct, produce, transfer, acquire or possess any special nuclear material, by-product material, production facility, or utilization facility or act as an operator of a production or utilization facility wholly within this state unless [~~he~~] ***the person*** shall have first obtained a license or permit for the activity [~~in which he proposes to engage~~] ***proposed*** from the United States [~~Atomic Energy~~] ***Nuclear Regulatory*** Commission, if, pursuant to

the Atomic Energy Act of 1954, ***as amended,*** the commission requires a license or permit to be obtained by persons proposing to engage in activities of the same type over which it has jurisdiction.

341:2 Conduct of Studies; Publication. RSA 162-B:3 is repealed and reenacted to read as follows:

162-B:3 Conduct of Studies; Publication.

I. The coordinator of nuclear development and regulatory activities established under RSA 162-B:4 shall have the duty to pursue continuing studies as to the need, if any, for changes in the laws and regulations administered by the departments and agencies of the state that would arise from the presence within the state of special nuclear materials and by-product materials and from the operation herein of production or utilization facilities, and, on the basis of such studies, to make such recommendations for the enactment of laws or amendments to laws in effect and such proposals for amendments to the regulations adopted under RSA 541-A as may appear necessary and appropriate. In pursuing these continuing studies, the coordinator of nuclear development and regulatory activities shall consult with following state departments and agencies:

(a) The department of health and human services, particularly as to hazards, if any, to the public health and safety.

(b) The department of labor, particularly as to hazardous working conditions, if any, the time and character of proof of claims of injuries, and the extent of the compensation allowable therefor.

(c) The department of transportation, particularly as to the transportation of special nuclear materials and by-product materials on highways of the state.

(d) The public utilities commission and the department of energy, particularly as to the transportation of special nuclear materials and by-product materials by common carriers or public or private air carriers not in interstate commerce and as to the participation by public utilities subject to their jurisdiction in projects looking to the development of production or utilization facilities for industrial or commercial use.

(e) The department of insurance, particularly as to the insurance of persons and property from hazards to life and property resulting from atomic nuclear development.

(f) The council on resources and development, particularly as to the hazards, if any, to the natural resources of the state, including wildlife, and as to the protection, if necessary, of rivers, streams, and airspace from pollution.

(g) The department of business and economic affairs, particularly as to how matters relating to nuclear development may affect the overall economic well-being of the state.

(h) Such other departments and agencies including departments and agencies of political subdivisions of the state as the coordinator of nuclear development and regulatory activities, the commissioner of the department of energy, or the governor may deem appropriate.

II. The coordinator of nuclear development and regulatory activities shall also examine the ongoing costs versus benefits of existing and proposed new nuclear developments in the state including, but not limited to, the impact on meeting projected energy requirements; any required upgrades that may be required to the existing transmission and distribution infrastructure; how the development of additional

nuclear production capacity may affect electricity reliability; and what impact additional capacity may have on seasonal fluctuations in electricity prices.

III. The department of energy shall publish a public report, prepared by the coordinator of nuclear development and regulatory activities, at least once every three years beginning with a report due not later than December 1, 2025.

341:3 New Paragraph; Continuing Studies; Department of Energy; Advanced Nuclear Reactors. Amend RSA 162-B:3 by inserting after paragraph III the following new paragraph:

IV. The department of energy shall study state and federal policies, technologies, supply chains, and potential siting locations related to advanced nuclear reactors.

341:4 Coordination of Studies; Commission of Energy. RSA 162-B:4 is repealed and reenacted to read as follows:

162-B:4 Coordination of Studies and Development Activities; Position Established.

I. The commissioner of the department of energy or a designee from within the department shall be the senior adviser to the governor with respect to the development and regulatory activities of the state government relating to the industrial and commercial uses of nuclear energy; and as deputy of the governor in matters relating to nuclear energy, including participation in the activities of any committee formed by the New England states to represent their interest in such matters and also cooperation with other states and with the government of the United States.

II. To assist the commissioner of the department of energy in his or her role as senior adviser to the governor with respect to the development and regulatory activities of the state government relating to the industrial and commercial uses of nuclear energy, the position of coordinator of nuclear development and regulatory activities is established in the department of energy, office of offshore wind industry development and energy innovation.

III. The coordinator of nuclear development and regulatory activities shall have the duty to coordinate and produce the reports required by RSA 162-B:3, as well as coordinate the studies conducted, and the recommendations and proposals made, in this state with like activities in New England and other states and with the policies and regulations of the United States Nuclear Regulatory Commission.

IV. All departments and agencies of the state government are directed to keep the coordinator of nuclear development and regulatory activities fully and currently informed as to their activities relating to nuclear energy. No administrative rule or amendment to a rule applying specifically to a nuclear energy matter shall be adopted under RSA 541-A until it has been submitted to the coordinator, unless the governor declares it an emergency need.

V. The coordinator of nuclear development and regulatory activities shall keep the commissioner of the department of energy, the governor and council, and the several interested departments and agencies informed at least biennially as to private and public activities affecting nuclear industrial development and shall enlist their cooperation in taking action to further such development as is consistent with the health, safety, and general welfare of this state.

341:5 New Paragraph; Definition Added; Advanced Nuclear Reactor. Amend RSA 162-B:6 by inserting after paragraph I the following new paragraph:

I-a. The term "advanced nuclear reactor" means the same as defined in 42 U.S.C. section 16271(b)(1).

341:6 Office of Offshore Wind Industry Development. Amend the subdivision heading preceding RSA 12-O:51 to read as follows:

Office of Offshore Wind Industry Development *and Energy Innovation*

341:7 Offshore Wind Industry Workforce Training Center Committee. Amend RSA 12-O:51-a, I(k) to read as follows:

(k) The director of the office of offshore wind industry development *and energy innovation* under RSA 12-P:7-b.

341:8 Office of Offshore Wind Industry Development. Amend the section heading of RSA 12-P:7-b to read as follows:

12-P:7-b Office of Offshore Wind Industry Development *and Energy Innovation* Established.

341:9 Office of Offshore Wind Industry Development and Energy Innovation Established. Amend RSA 12-P:7-b, I to read as follows:

I. There is established in the department of energy the office of offshore wind industry development *and energy innovation*. The office shall be under the supervision of a classified director of the office of offshore wind industry development *and energy innovation*, who shall serve under the supervision of the commissioner. The director shall provide administrative oversight and ensure that the responsibilities of the office described in this section are fulfilled.

341:10 Office of Offshore Wind Industry Development and Energy Innovation Established. Amend RSA 12-P:7-b, II to read as follows:

II. The office of offshore wind industry development *and energy innovation* shall:

(a) Support the work of the New Hampshire members of the Intergovernmental Renewable Energy Task Force administered by the federal Bureau of Ocean Energy Management (BOEM).

(b) Support the work of the offshore wind commission established in RSA 374-F:10.

(c) Assist the offshore wind commission to develop and implement offshore wind development strategies including:

(1) Assessment of port facilities.

(2) Economic impact analyses.

(3) Supply chain analyses.

(4) Outcome and performance measurements.

(d) Collaborate with key state agencies and partners on offshore wind industry development initiatives.

(e) Coordinate offshore wind industry economic development policy, including:

(1) Development of workforce.

(2) Identification of and recruitment of offshore wind development employers.

(3) Identification and recruitment of offshore wind supply chain employers.

(4) Promotion of New Hampshire's benefits to the various components of the offshore wind industry.

(5) Provide updates and guidance to the general court with regard to policy and funding.

(f) Advise the governor, state agencies, the public utilities commission, 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.

(g) Fulfill the duties outlined in RSA 162-B:4.

341:11 Renewable Energy Fund. Amend RSA 362-F:10, I to read as follows:

I. There is hereby established a renewable energy fund. This nonlapsing special fund shall be continually appropriated to the department of energy to be expended in accordance with this section; provided that at the start of the period in which there is no adopted state operating budget, the department of energy shall in a timely manner seek the approval of the fiscal committee of the general court to continue using moneys from the renewable energy fund to support renewable energy rebate and grant programs in order to ensure there are no interruptions to the programs. The state treasurer shall invest the moneys deposited therein as provided by law. Income received on investments made by the state treasurer shall also be credited to the fund. All payments to be made under this section shall be deposited in the fund. Any remaining moneys paid into the fund under paragraph II of this section, excluding class II moneys, shall be used by the department of energy to support thermal and electrical renewable energy initiatives and offshore wind initiatives, including the office of offshore wind industry development *and energy innovation*. Class II moneys shall primarily be used to support solar energy technologies in New Hampshire. All initiatives supported out of these funds shall be subject to audit by the department of energy as deemed necessary. All fund moneys including those from class II may be used to administer this chapter, but all new employee positions shall be approved by the fiscal committee of the general court. No new employees shall be hired by the department of energy due to the inclusion of useful thermal energy in class I production.

341:12 Offshore Wind and Port Development; Commission Established. Amend RSA 374-F:10, VI to read as follows:

VI. The commission shall receive staff support and other services, including research and facilities assessments, from the department of energy, office of offshore wind industry development *and energy innovation* established in RSA 12-P:7-b.

341:13 Effective Date. This act shall take effect upon its passage.

Approved: August 02, 2024
Effective Date: August 02, 2024