HB 624-FN - AS AMENDED BY THE HOUSE

5Jan2022... 2223h

2021 SESSION

21-0372
06/10

HOUSE BILL ***624-FN***

AN ACT relative to site evaluation committee monitoring and enforcement responsibilities.

SPONSORS: Rep. Vose, Rock. 9; Rep. Thomas, Rock. 5; Sen. Ward, Dist 8; Sen. Giuda, Dist 2

COMMITTEE: Science, Technology and Energy

AMENDED ANALYSIS

This bill requires the site evaluation committee to establish procedures for investigating complaints related to an energy facility certificate.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to site evaluation committee monitoring and enforcement responsibilities.

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

1 Site Evaluation Committee; Powers and Duties. Amend RSA 162-H:4, III to read as follows:

III. The committee may delegate the authority to monitor the construction or operation of any energy facility granted a certificate under this chapter to the administrator or such state agency or official as it deems appropriate, but ***the committee*** shall ensure that the terms and conditions of the certificate are met. Any authorized representative or delegate of the committee shall have a right of entry onto the premises of any part of the energy facility to ascertain if the facility is being constructed or operated in continuing compliance with the terms and conditions of the certificate. During normal hours of business administration and on the premises of the facility, such a representative or delegate shall also have a right to inspect such records of the certificate-holder as are relevant to the terms or conditions of the certificate.

2 Site Evaluation Committee; Filing Fees. Amend RSA 162-H:8-a, I to read as follows:

I. Except as provided in [~~paragraph~~] ***paragraphs*** IV ***and V***, a person filing with the committee an application for a certificate for an energy facility, a petition for jurisdiction, a request for exemption, or any other petition or request for the committee to take action, shall pay to the committee at the time of filing a fee determined in accordance with the fee schedule described in paragraph II. If an application for a certificate for an energy facility is deemed incomplete pursuant to RSA 162-H:7, VI, and a new application is submitted thereunder, the unearned portion of the initial application fee shall be refunded to the applicant or credited to the filing of the new application. The committee may in its discretion provide for a credit or refund in other circumstances that are unforeseen by the applicant.

3 New Paragraph: Site Evaluation Committee; Complaints and Fee Adjustments. Amend RSA 162-H:8-a by inserting after paragraph IV the following new paragraph:

V. Notwithstanding paragraph I, the committee shall establish procedures sufficient to ensure that complaints received by the committee that are not subject to the paragraph II fee schedule but that allege non-compliance with terms and conditions of any certificate granted by the committee under this chapter are considered, investigated when necessary, and acted upon consistent with the committee's responsibilities and powers under this chapter. In conjunction with its review and evaluation of fees as required by paragraph III, the committee shall also consider the need for statutory adjustments to said fees, including whether new fees should be scheduled for complaints or subcategories of complaints received by the committee under this paragraph. The

committee shall file annually with the fiscal committee of the general court its findings and recommendations regarding such recommended fee schedule adjustments.

4 Site Evaluation Committee; Enforcement. Amend RSA 162-H:12, I to read as follows:

I. Whenever the committee [~~, or the administrator as designee,~~] determines that any term or condition of any certificate issued under this chapter is being violated, it shall, in writing, notify the person holding the certificate of the specific violation and order the person to immediately terminate the violation. If, 15 days after receipt of the order, the person has failed or neglected to terminate the violation, the committee may suspend the person's certificate. Except for emergencies, prior to any suspension, the committee shall give written notice of its consideration of suspension and of its reasons therefor and shall provide opportunity for a prompt hearing.

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

LBA
21-0372
Amended 1/26/22

HB 624-FN- FISCAL NOTE

AS AMENDED BY THE HOUSE (AMENDMENT #2021-2223h)

AN ACT relative to site evaluation committee monitoring and enforcement responsibilities.

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

	Estimated Increase / (Decrease)			
STATE:	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Appropriation	$0	$0	$0	$0
Revenue	$0	Indeterminable Decrease	Indeterminable Decrease	Indeterminable Decrease
Expenditures	$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	[X] General SEC Filing Fees	[ ] Education	[ ] Highway	[X] Other -

METHODOLOGY:

The Site Evaluation Committee (SEC) indicates this bill, as amended by the House, removes the fees charged to file a petition for a declaratory ruling for complaints that allege noncompliance with an SEC certificate. The bill also requires the SEC to review its fee structure and propose changes to the legislature. The SEC states it is not possible to estimate the impact of this change given the variant nature of SEC filings. However, the SEC estimates that by removing the filing fee for these specific declaratory rulings, filings will increase, and the agency will incur and interminable increase in costs associated with investigations. SEC Filing Fee revenues would decrease by an indeterminable amount due to removal of the filing fee for specific declaratory rulings.

It is assumed that any fiscal impact would occur after FY 2022.

AGENCIES CONTACTED:

Site Evaluation Committee