

Amendment to HB 1623-FN

1 Amend the bill by replacing all after the enacting clause with the following:

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3 1 Findings. The general court finds that the state has a duty to defend the production and
4 supply of affordable, reliable, and secure energy from external regulatory interference. The state's
5 sovereign authority with respect to the involuntary retirement of an in-state electric generation
6 facility for the protection of the health, safety, and welfare of the state's citizens is primary and
7 takes precedence over any attempt from an external regulatory body to mandate, restrict, or
8 influence the early involuntary retirement of an electric generation facility in the state.

9 2 New Hampshire Energy Policy. RSA 378:37 is repealed and reenacted to read as follows:

10 378:37 New Hampshire Energy Policy; Loss of In-State Electrical Generation Capacity.

11 I.(a) An in-state electricity generator that receives notice of any external regulatory
12 action that makes continued operation economically infeasible or may result in the involuntary
13 retirement or decommissioning of the generator's facility shall inform the commissioner of the
14 department of energy of the notice and regulation within 30 days after the receipt of said notice.

15 (b) The department of energy shall open an investigatory docket to determine how such
16 an involuntary retirement or decommissioning would affect the reliability and affordability of the
17 state's energy resources and to recommend any action necessary to defend the generator, including
18 appealing to the attorney general to file an action in court or to participate in administrative
19 proceedings.

20 (c) The department of energy and the department of justice may seek funding from the
21 legislative fiscal committee to conduct any actions.

22 II. Any act or omission by a state agency inconsistent with this section shall not form the
23 basis of any civil suit including, but not limited to, those seeking equitable relief or claiming
24 damages.

25 3 Effective Date. This act shall take effect 60 days after its passage.

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AMENDED ANALYSIS

This bill revises the state energy policy to require in-state electricity generators that receive notice of any external regulatory action that makes continued operation economically infeasible or may result in the involuntary retirement or decommissioning of the generator's facility to inform the commissioner of the department of energy of the notice and regulation, and requires the department to investigate the impact of such retirement or decommissioning.