

HB 449 – AS INTRODUCED

2013 SESSION

13-0680  
09/03

HOUSE BILL           **449**

AN ACT               relative to the application process for a certificate for an energy facility.

SPONSORS:          Rep. Ladd, Graf 4; Rep. Rappaport, Coos 1; Rep. Lauer, Graf 15

COMMITTEE:        Science, Technology and Energy

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ANALYSIS

This bill requires the site evaluation committee to consider economic impact and findings and recommendations from local planning boards or governing bodies prior to issuing a certificate for an energy facility.

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Explanation:        Matter added to current law appears in ***bold italics.***  
                          Matter removed from current law appears [~~in brackets and struck through.~~]  
                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Thirteen*

AN ACT                   relative to the application process for a certificate for an energy facility.

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

1           1 Energy Facility Site Evaluation Committee; Application for Certificate. Amend RSA 162-H:7,  
2 V to read as follows:

3           V. Each application shall also:

4                   (a) Describe in reasonable detail the type and size of each major part of the proposed  
5 facility.

6                   (b) Identify both the preferred choice and any other choices for the site of each major  
7 part of the proposed facility.

8                   (c) Describe in reasonable detail the impact of each major part of the proposed facility on  
9 the environment for each site proposed.

10                   (d) Describe in reasonable detail the applicant's proposals for studying and solving  
11 environmental problems.

12                   (e) ***Provide an economic impact analysis that describes in reasonable detail the***  
13 ***proposed facility's impact on economic growth and associated changes to jobs and income***  
14 ***in the affected communities.***

15                   (f) Describe in reasonable detail the applicant's financial, technical, and managerial  
16 capability for construction and operation of the proposed facility.

17                   ~~(f)~~ (g) Document that written notification of the proposed project, including  
18 appropriate copies of the application, has been given to the appropriate governing body of each  
19 community in which the facility is proposed to be located.

20                   ~~(g)~~ (h) Provide such additional information as the committee may require to carry out  
21 the purposes of this chapter.

22           2 Energy Facility Site Evaluation Committee; Findings and Certificate Issuance. Amend the  
23 introductory paragraph of RSA 162-H:16, IV to read as follows:

24           IV. The site evaluation committee, after having considered available alternatives and fully  
25 reviewed the environmental ***and economic*** impact of the site or route, and other relevant factors  
26 bearing on whether the objectives of this chapter would be best served by the issuance of the  
27 certificate, must find that the site and facility:

28           3 Energy Facility Site Evaluation Committee; Findings and Certificate Issuance. Amend  
29 RSA 162-H:16, IV(b) to read as follows:

30                   (b) Will not unduly interfere with the orderly ***economic, industrial, and commercial***  
31 development ***and environment*** of the ***community or communities and*** region with due

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1 consideration having been given to the [~~views of municipal and regional planning commissions and~~  
2 ~~municipal governing bodies~~] ***issuance of findings and recommendations from local planning***  
3 ***boards or governing bodies under RSA 674:1, VII.***

4       4 New Paragraph; Zoning and Planning; Utility Structures. Amend RSA 674:1 by inserting  
5 after paragraph VI the following new paragraph:

6               VII. The planning board shall make findings and recommendations to the site evaluation  
7 committee on construction of an energy facility. Prior to the site evaluation committee issuing a  
8 certificate for construction of an energy facility, as defined in RSA 162-H:2, VII, the energy facility  
9 applicant shall notify and appear before the local planning board in which the facility is proposed  
10 and present an economic impact analysis and environmental impact study for public input. In  
11 accordance with RSA 162-H:16, IV and procedures set forth in local land use regulations, the local  
12 planning board shall schedule and conduct a public hearing and submit the board's findings and  
13 recommendations to the site evaluation committee. If a municipality does not have a planning  
14 board, the governing body may conduct the hearing and submit findings and recommendations to the  
15 site evaluation committee.

16       5 Effective Date. This act shall take effect 60 days after its passage.