



2017 New Hampshire Legislative Session Review

Presented by Eversource

State:	New Hampshire
Capital:	Concord
Governor:	Christopher Sununu – R First term Governor, youngest in the US Son of former Governor of NH and former Chief of Staff to President George H.W. Bush
Executive Council	5 members, each representing a specific geographic area of the state. Approves all appointments and all state agency expenditures of more than \$5,000. District 1: Joe Kenney (R) District 2: Andru Volinsky (D) District 3: Russell Prescott (R) District 4: Christopher Pappas (D) District 5: David Wheeler (R)
General Elections:	Every elected office elected every two years Representatives and Senators each receive \$100 for each year served
Legislative Session:	The Legislature meets beginning on the first Wednesday after the first Tuesday in January

Given the 2-year election cycle, the session is a 2-year session

Each year of the session lasts roughly 6 months

Senate:

24 members (14 Republicans, 9 Democrats *)

Senate President: Chuck Morse

Majority Leader: Jeb Bradley

Minority Leader: Jeff Woodburn (D)

- Democratic Senator died unexpectedly. Special election taking place on July 25)

House of Representatives:

400 members (228 Republicans, 168 Democrats, 4 Vacancies)

Speaker of the House: Shawn Jasper

Majority Leader: Richard Hinch

Minority Leader: Steve Shurtleff (D)

Senate Energy Committee:

Kevin Avard, Chair (R)

Jeb Bradley, Vice Chair (R)

Dan Feltes, ranking minority (D)

Dan Innis (R)

Martha Fuller Clark (D)

House Science, Technology & Energy Committee:

Richard Barry, Chair (R)

Herb Richardson, Vice Chair (R)

Bob Backus, ranking minority (D)

Doug Thomas (R)

David Murotake (R)

Keith Ammon (R)

Jeanine Notter (R)

Glen Aldrich (R)

Michael Vose (R)

Herb Vadney (R)

William Kuch (R)

Greg Smith (R)

Troy Merner (R)

Jackie Cali-Pitts (D)

Suzanne Harvey (D)

John Mann (D)

Marjorie Shephardson (D)

Howard Moffett (D)

Lee Oxenham (D)

Petter Somssich (D)

Kenneth Vincent (D)

Regulatory Body:

Public Utilities Commission

3 Commissioners:

Martin Honigberg, Chair

Bob Scott

Kate Bailey

Members are appointed by the Governor and approved by the Executive Council in staggered six year terms

(Note: Commissioner Bob Scott was not re-nominated as PUC Commissioner. Michael Giaimo from ISO-NE has been nominated but must be approved by the Executive Council. Bob Scott instead was nominated as the Dept. of Environmental Services Commissioner. His confirmation is pending.)

2017 Legislative Session Overview

For the first time in twelve years, the corner office is controlled by a Republican. While the House and Senate have been controlled by the Republicans on and off again over the years, it is the first time they have to work with the Governor and not against him/her in twelve years. This relationship got off to a rocky start – the Governor’s staff is slightly inexperienced and the Republican leadership of the House and Senate had to learn how to work more closely with the Governor and his staff.

Case in point: The House could not agree on its own budget. The Republican-controlled House could not garner enough Republican votes to support the Governor’s budget and spending wishes. For the first time in nearly 100 years, the House did not put forth a budget. The Senate started the process and has included the House in its committee of conference.

Because this is a budget year, the Legislature has not completed its work on committees of conference and, most notably, the budget and spending bills. Front and center in the budget conference committee is a new proposal that never materialized in either body previously. Senate Leadership announced a proposal to repeal the Electricity Consumption Tax effective Fiscal Year 2019. This was added to the debate because the Republicans won their seats by promising to reduce electric rates for NH businesses and not only did the Republican leadership fail to reduce rates, but rather they passed a bill that significantly increases rates in order to provide support to the biomass industry.

Energy, healthcare, all-day kindergarten and right-to-work legislation represented the focus of the Republicans for the 2017 session. As noted earlier, lowering energy costs has been out of

reach for the most part and the House declined to pass right-to-work legislation. The budget contains the healthcare opportunities, such as funding assistance for opioid addiction and allocating dollars to communities to provide all-day kindergarten. At the moment, it is hard to predict how these will fare in the ongoing conference committee. The Governor is working committee members hard as he is looking to be able to report out meeting some of his goals for the year.

Renewable Energy

This legislature planned to roll back Renewable Portfolio Standard (RPS) requirements, but found that the wood and solar industries have the support of some moderate Republicans and Democrats. By the end of the session, all bills to roll back net metering, NH's participation in the Regional Greenhouse Gas Initiative had been killed or retained. One bill, **SB 129**, increases the costs of electricity by roughly \$75 million to aid the fledgling wood industry by increasing the alternative compliance cap and increasing the required certificates for solar energy, actually passed both houses even though both bodies are opposed. The Governor is feeling intense pressure from the business industry to veto this bill. No action has been taken at this time.

Purchase Power Agreements

As the legislature was pondering the outcome of SB 129, another bill, **SB 128**, was being tabled in committee which would have allowed utilities to bring opportunities to lower rates to the PUC, such as PPAs, for review of the benefits to customers. The Senate passed the measure after adding language to ensure more customer protections, but for a variety of reasons, the House committee decided it needed more time to review the implications. Many of the committee members have never heard of PPAs and need more time to learn about the history and potential opportunities. Others wanted to ensure gas capacity expansion could be added to the opportunities.

The business community is unhappy that SB 129 made it through but SB 128 has stalled.

By the Numbers for June:

35: Bills headed to Governor Sununu's desk after House and Senate concurrence.

39: Bills remaining in committees of conference and requiring final action next week.

Bill: HB 193

Title: *relative to traffic control measures.*

Sponsors: Harrington

Committee: House – Transportation

Status: Retained Bill Subcommittee Work Session held on May 17, 2017.

Bill: HB 225

Title: *(New Title) relative to information collection concerning electric renewable portfolio standards.*

Sponsors: Fromuth

House: Adopted with Amendment on March 9, 2017.

Committee: Senate – Energy and Natural Resources

Status: Rereferred to Committee on June 1, 2017.

Comments: The bill was technically rereferred to Finance, but it was vacated from Finance to Energy and Natural Resources after the vote.

Bill: HB 323

Title: *(New Title) relative to standards for revaluations established by the assessing standards board.*

Sponsors: Abrami

House: Adopted with Amendment on March 8, 2017.

Senate: Adopted on May 11, 2017.

Status: Bill is Enrolled

Bill: HB 342

Title: *establishing a commission to study the transition of certain regulatory authority to the department of environmental services from the Environmental Protection Agency.*

Sponsors: Gould

House: Adopted on March 8, 2017.

Committee: Senate – Energy and Natural Resources.

Status: Rereferred to Committee on June 1, 2017.

Bill: HB 352

Title: *relative to the energy efficiency fund.*

Sponsors: Richardson

House: Adopted on March 9, 2017.

Senate: Adopted on May 18, 2017.

Status: Bill is Enrolled

Bill: HB 380

Title: *relative to the oil discharge and disposal cleanup fund.*

Sponsors: Christensen

House: Adopted on March 23, 2017.

Senate: Adopted on May 11, 2017.

Status: Bill is Enrolled

Bill: HB 463

Title: *(New Title) regulating groundwater pollution caused by polluting emissions in the air and relative to standards for emerging contaminants in drinking water.*

Sponsors: Byron

House: Adopted with Amendment on March 23, 2017

Senate: Adopted with Amendment on June 1, 2017.

Status: Committee of Conference meeting on June 13, 2017 @ 10:30 a.m.

Comments: The House voted to non-concur and request a Committee of Conference and the Senate acceded to the request. Appointees are Reps. Christensen, Barry, Ober, Lisle and Sens. Bradley, Innis, Feltes

Bill: HB 540

Title: *(New Title) repealing the voluntary greenhouse gas emissions reductions registry.*

Sponsors: Lewicke

House: Adopted with Amendment on March 8, 2017.
Senate: Adopted on April 20, 2017.
Status: Signed by the Governor on June 2, 2017.

Bill: HB 628

Title: *relative to a family and medical leave insurance program.*

Sponsors: Gile

Committee: House – Labor, Industrial and Rehabilitative Services.

Status: Retained Bill Subcommittee Work Session held on May 24, 2017.

Comments: The subcommittee work session revealed there are several areas of the bill that need additional clarity. Members of the BIA expressed concerns about potential conflicts between this legislation and the federal FMLA. There are also concerns about whether insurance carriers would allow a company to leave an employee on the medical leave plan during a leave, which would be required in this bill. There are also several concerns about the potential costs to implement this program at the Department of Employment Security and the potential impact it might have on smaller businesses.

Bill: SB 16

Title: *reauthorizing the commission to study apportionment of gross business profits under RSA 77-A and the committee to study the process by which business names are authorized by the secretary of state.*

Sponsor: Birdsell

Senate: Adopted on January 19, 2017.

House: Adopted with Amendment on May 4, 2017 (2nd Committee).

Status: Senate concurred with the House amendments.

Comments: Bill is Enrolled

Bill: SB 30

Title: *defining woodland buffers and relative to such woodland buffers for the purposes of the shoreland protection act.*

Sponsor: Bradley

Senate: Adopted by the Senate with Amendment March 9, 2017.

Committee: House – Resources, Recreation and Development.

Status: Adopted with Amendment on June 1, 2017.

Comments: The Senate concurred with the House Amendment on June 8, 2017. The bill will become Enrolled.

Bill: SB 51

Title: *(New Title) establishing a committee to review subsidies for energy projects provided by the renewable portfolio standards.*

Sponsors: Avar

Senate: Adopted with Amendment on February 9, 2017.

House: Adopted on April 20, 2017.

Status: Signed by the Governor on June 2, 2017.

Bill: SB 116

Title: *requiring notice to affected municipalities of energy facility siting.*

Sponsors: Ward

Senate: Adopted on February 9, 2017

House: Adopted with Amendment on April 20, 2017.
Status: Bill is Enrolled

Bill: SB 125

Title: *(New Title) establishing a committee to study transmission, distribution, generation and other costs in the state's electricity system.*

Sponsors: Avarad

Senate: Adopted with Amendment on February 9, 2017

House: Adopted on April 20, 2017.

Status: Signed by the Governor on June 2, 2017.

Bill: SB 127

Title: *(New Title) relative to dissolved oxygen water quality standards.*

Sponsors: Gray

Senate: Adopted with Amendment on February 9, 2017.

Committee: House - Resources, Recreation and Development

Status: Adopted with Amendment on June 1, 2017.

Comments: The Senate concurred with the House Amendment on June 8th, 2017.

Bill: SB 129

Title: *(New Title) requiring a portion of the renewable energy fund to benefit low to moderate income residential customers, relative to electric renewable energy classes, relative to the class rate for biomass, and relative to requirements for incentive payments from the renewable energy fund.*

Sponsors: Bradley

Senate: Adopted with Amendments on March 16, 2017.

Committee: House - Science, Technology and Energy

Status: Adopted with Amendment on June 1, 2017.

Comments: The Senate concurred with the House Amendment on June 8th, 2017.

Bill: SB 181

Title: *relative to the regulation of biodiesel.*

Sponsors: Feltes

Senate: Adopted on February 23, 2017.

Committee: House - Science, Technology and Energy

Status: Adopted on June 1, 2017.

Comments: The bill will become Enrolled.

TABLED BILLS

Bill: HB 199

Title: *relative to including hydroelectric in renewable energy classes.*

Sponsors: Barry

Committee: House – Science, Technology and Energy

Status: Tabled by the House on March 9, 2017.

Comments: The bill was removed from the consent calendar and was tabled late Thursday night without discussion by the House. The tabling motion effectively kills the bill since it would take a two thirds vote to remove it and the committee was overwhelming opposed to the bill.

Bill: HB 462

Title: *relative to rules of the site evaluation committee.*

Sponsors: Harrington

Committee: House - Science, Technology and Energy

Status: Tabled by the House on March 9, 2017.

Comments: The bill was removed from the consent calendar and was tabled late Thursday night without discussion by the House. The tabling motion effectively kills the bill since it would take two thirds vote to remove it and the committee was overwhelming opposed to the bill

Bill: HB 535

Title: *relative to community net metering.*

Sponsors: Murotake

Committee: House - Science, Technology and Energy

Status: Tabled by the House on March 9, 2017.

Comments: The House tabled the bill on a voice vote and it effectively kills the legislation this year since it was a partisan piece of legislation and would require a two-thirds vote to remove from the table.

RETAINED/REREFERRED BILLS

Bill: HB 111

Title: *relative to recovery of stranded costs on certain purchased power agreements.*

Sponsors: Harrington

Committee: House – Science, Technology and Energy

Status: Retained in Committee on January 24, 2017

Bill: HB 114

Title: *relative to minimum electric renewable portfolio standards.*

Sponsors: Barry

Committee: House – Science, Technology and Energy

Status: Retained in Committee on February 15, 2017.

Bill: HB 141

Title: *relative to electric renewable energy classes.*

Sponsors: Murotake

Committee: House – Science, Technology and Energy

Status: Retained in Committee on February 21, 2017.

Bill: HB 317

Title: *prohibiting the public utilities commission from increasing the system benefits charge without legislative approval.*

Sponsors: Vose

Committee: House – Science, Technology and Energy

Status: Retained in Committee on February 21, 2017.

Bill: HB 324

Title: *relative to the valuation of utility property.*

Sponsors: Abrami

Committee: House – Science, Technology and Energy
Status: Retained in Committee on January 31, 2017.

Bill: HB 337

Title: *relative to municipal regulations of small wind energy systems.*

Sponsors: Vadney

House: Adopted on March 8, 2017.

Committee: Senate - Energy and Natural Resources

Status: Rereferred to Committee on May 18, 2017.

Bill: HB 399

Title: *relative to pesticide use and notification in places where children play.*

Sponsors: McConnell

Committee: House - Environment & Agriculture

Status: Retained in Committee on February 14, 2017.

Bill: HB 401

Title: *relative to the implementation of the recommendations of grid modernization.*

Sponsors: Danielson

Committee: House - Science, Technology and Energy

Status: Retained in Session on February 21, 2017

Bill: HB 486

Title: *relative to the protection of wetlands.*

Sponsors: Spang

Committee: House – Resources, Recreation and Development

Status: Retained on February 22, 2017.

Bill: HB 518

Title: *eliminating the cap on net metering.*

Sponsors: Barry

Committee: House - Science, Technology and Energy

Status: Retained in Committee on February 15, 2017.

Bill: HB 533

Title: *relative to political advocacy organizations.*

Sponsors: M. Smith

Committee: House – Election Law

Status: Retained in Committee on February 24, 2017.

Bill: HB 559

Title: *relative to the expenditures from the energy efficiency fund.*

Sponsors: Richardson

Committee: House - Science, Technology and Energy

Status: Retained in Committee on February 21, 2017

Bill: HB 561

Title: *(New Title) relative to contributions by retirement system employers for certain full-time positions changed to part-time or interim employment and relative to enforcement of provisions concerning retired members working part-time after retirement.*

Sponsors: Kurk

House: Adopted with Amendment on March 8, 2017.

Committee: Senate – Executive Departments and Administration

Status: Rereferred to Committee on May 11, 2017.

Bill: HB 592

Title: *repealing the regional green house gas initiative.*

Sponsors: Harrington

Committee: House - Science, Technology and Energy

Status: Retained in Committee on February 21, 2017

Bill: HB 631-FN

Title: *establishing a cash balance pension plan for new hires and non-vested employees.*

Sponsor: Kurk

Committee: House-Executive Departments and Administration

Status: Retained in Committee

Bill: SB 48

Title: *(New Title) establishing a commission to study the efficiency and effectiveness of the fish and game department's operations, governance, and management.*

Sponsor: Bradley

Senate: Adopted by the Senate with Amendments on March 9, 2017.

Committee: House – Fish and Game and Marine Resources.

Status: Retained in Committee on March 28, 2017.

Bill: SB 128

Title: *relative to the policy goal of electric utility restructuring.*

Sponsors: Bradley

Senate: Adopted with Amendment on March 30, 2017.

Committee: House - Science, Technology and Energy

Status: Retained in Committee on May 10, 2017.

Comments: The committee voted to retain the bill on a 20-1 vote for various reasons. Some committee members wanted to wait until after the divestiture of Eversource assets. Other committee members want to potentially look to strengthen the bill over the summer and perhaps add natural gas back into the legislation.

KILLED BILLS

Bill: CACR 6

Title: *relating to conflict of interest. Providing that no member of the general court shall sponsor, advocate for, nor vote on any legislation which would create a financial conflict of interest.*

Sponsors: T. Smith

Committee: House – Legislative Administration

Status: Killed by the House on March 9, 2017.

Bill: HB 97

Title: *relative to the use of drones.*

Sponsors: Kurk

House: Adopted on March 8, 2017.

Committee: Senate – Executive Departments and Administration.

Status: Killed by the Senate on May 11, 2017.

Bill: HB 145

Title: *requiring municipal approval for siting high voltage transmission lines.*

Sponsors: Burton

Committee: House – Municipal and County Government

Status: Killed by the House on February 9, 2017

Bill: HB 146

Title: *relative to the definition of energy cost saving measure and relative to energy performance contracting.*

Sponsors: Richardson

Committee: House – Science, Technology and Energy

Status: Killed by the House on February 2, 2016.

Bill: HB 162

Title: *relative to the criteria for the issuance of certificates for the siting of high pressure gas pipelines.*

Sponsors: McConnell

Committee: House – Science, Technology and Energy Status: Killed by the House on March 8, 2017

Bill: HB 179

Title: *relative to financing the construction of high pressure gas pipelines.*

Sponsors: McConnell

Committee: House – Science, Technology and Energy

Status: Killed by the House on March 9, 2017.

Bill: HB 198

Title: *relative to the qualifications for the position of consumer advocate.*

Sponsors: Vose

Committee: House – Science, Technology and Energy

Status: Killed by the House on February 16, 2017.

Bill: HB 214

Title: *repealing prohibitions on electronic device usage while driving.*

Sponsors: Schleien

Committee: House – Transportation

Status: Killed by the House on March 8, 2017.

Bill: HB 223

Title: *prohibiting recipients of county or municipal funds from using such funds for lobbying.*

Sponsors: Cordelli

Committee: House – Municipal and County Government

Status: Killed by the House on February 16, 2017.

Bill: HB 232

Title: *relative to reporting of a legislator's personal interest in legislation.*

Sponsors: Almy

Committee: House – Legislative Administration

Status: Killed by the House on March 8, 2017

Bill: HB 254

Title: *relative to membership on the assessing standards board.*

Sponsors: Abrami

Committee: House – Executive Departments and Administration.

Status: Killed by the House on March 8, 2017.

Bill: HB 328

Title: *relative to the taxation of public utility property.*

Sponsors: Bean

Committee: House – Science, Technology and Energy

Status: Killed by the House on February 15, 2017.

Bill: HB 344

Title: *relative to access for low income ratepayers to renewable energy incentives and benefits.*

Sponsors: Danielson

Committee: House – Science, Technology and Energy

Status: Killed by the House on February 16, 2017.

Bill: HB 346

Title: *relative to the payment of wages to an employee*

Sponsors: Brewster

Committee: House – Labor, Industrial and Rehabilitative Services.

Status: Killed by the House on February 15, 2017.

Bill: HB 357

Title: *relative to the appraisal of telecommunications poles and conduits under local property taxation.*

Sponsors: Bean

Committee: House – Ways and Means

Status: Killed by the House on February 16, 2017.

Bill: HB 376

Title: *requiring construction projects that disturb sediments of estuarine waters to analyze the characteristics of sediments and report them to the department of environmental services.*

Sponsors: Burton

Committee: House – Resources, Recreation and Development

Status: Killed by the House on March 9, 2017.

Bill: HB 452

Title: *establishing the office of the business advocate in the department of resources and economic development and making an appropriation thereof.*

Sponsors: Packard

Committee: House – Finance

Status: Killed by the House on March 23, 2017.

Bill: HB 467

Title: *relative to the duties of the fish and game commission.*

Sponsor: Eaton

Committee: House - Fish and Game and Marine Resources

Status: Killed by the House on February 15, 2017.

Bill: HB 493

Title: *relative to evaluating the public interest of gas pipeline capacity contracts.*

Sponsors: McConnell

Committee: House - Science, Technology and Energy

Status: Killed by the House on March 9, 2017.

Bill: HB 495

Title: *relative to amendments to warrant articles*

Sponsors: Verville

Committee: House – Municipal and County Government

Status: Killed by the House on March 8, 2017.

Bill: HB 504

Title: *relative to third party charges on utility bills.*

Sponsors: Lewicke

Committee: House - Science, Technology and Energy

Status: Killed by the House on March 8, 2017.

Bill: HB 515

Title: *relative to options for customers who are in arrears in utility bill payments.*

Sponsors: Fisher

Committee: House - Science, Technology and Energy

Status: Killed by the House on March 8, 2017.

Bill: HB 520

Title: *relative to right to work.*

Sponsors: Hinch

Committee: House – Labor, Industrial and Rehabilitative Services.

Status: Effectively Killed by the House on March 9, 2017.

Bill: HB 524

Title: *(New Title) relative to the definition of “emergency” for the purposes of a quorum under the right-to-know law.*

Sponsors: Hull

House: Adopted with Amendment on March 9, 2017.

Committee: Senate - Judiciary

Status: Killed by the Senate on May 11, 2017.

Bill: HB 537

Title: *relative to campaign contributions.*

Sponsors: Porter
House: Adopted on March 8, 2017.
Committee: Senate – Election Law
Status: Killed by the Senate on April 20, 2017.

Bill: HB 546
Title: *requiring a business impact assessment as part of the rulemaking process and relative to objections to proposed agency rules under the administrative procedure act.*
Sponsors: Vose
Committee: House – Executive Departments and Administration
Status: Killed by the House on March 8, 2017.

Bill: HB 551
Title: *regulating the use of a cell simulator device.*
Sponsors: Kurk
Committee: House – Criminal Justice and Public Safety
Status: Killed by the House on February 2, 2017.

Bill: HB 567
Title: *repealing the exemption for water and air pollution control facilities from local property taxation.*
Sponsors: Bean
Committee: House - Ways and Means
Status: Killed by the House on March 8, 2017.

Bill: HB 627
Title: *establishing the position of energy efficiency advocate.*
Sponsors: Vose
Committee: House - Science, Technology and Energy
Status: Killed by the House on February 16, 2017.

Bill: SB 22
Title: *relative to employer immunity for disclosure of certain worker employment information.*
Sponsor: Bradley
Committee: Senate - Commerce
Status: Killed by the Senate on March 9, 2017.

Bill: SB 50
Title: *relative to members of the site evaluation committee.*
Sponsors: Bradley
Senate: Adopted with Amendment on February 9, 2017
Committee: House - Science, Technology and Energy
Status: Killed by the House on June 1, 2017.

Bill: SB 95-FN
Title: *amending the salary grade for the chairman of the public utilities commission.*
Sponsors: Bradley
Committee: Senate - Finance
Status: Killed by the Senate on February 9, 2017

Bill: SB 186

Title: *relative to designating stormwater utility fees as property tax.*

Sponsors: Watters

Committee: Senate - Ways and Means

Status: Killed by the Senate on February 23, 2017.

Bill: SB 123

Title: *establishing a committee to study a carbon reduction investment program for New Hampshire.*

Sponsors: Avard

Senate: Adopted with Amendment on February 9, 2017

Committee: House - Science, Technology and Energy

Status: Killed by the House on June 1, 2017.

Bill: SB 124

Title: *establishing a commission to study municipal regulation and incentives for solar energy.*

Sponsors: Fuller Clark

Senate: Adopted on February 9, 2017

Committee: House - Science, Technology and Energy

Status: Killed by the House on June 1, 2017.

Bill: SB 126

Title: *relative to eligibility of hospitals with renewable energy projects for funds from renewable energy fund.*

Sponsors: Fuller Clark

Senate: Adopted on March 29, 2017.

Committee: House - Science, Technology and Energy

Status: Killed by the House on June 1, 2017.

Bill: SB 229

Title: *relative to appraisals of residential property, procedures in eminent domain proceedings, and expenditures from the energy efficiency fund.*

Sponsors: Avard

Senate: Adopted with Amendment on February 16, 2017.

Committee: House - Science, Technology and Energy

Status: Killed by the House on April 20, 2017.