

State of New Hampshire  
**Site Evaluation Committee**

[www.nhsec.nh.gov](http://www.nhsec.nh.gov)

21 South Fruit St., Suite 10  
Concord, New Hampshire  
03301-2429

Telephone (603) 271-2435  
Fax (603) 271-4033



Martin P. Honigberg  
Chair

Robert R. Scott  
Vice-Chair

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**Impartial Random Draw Methodology for Selecting Public Members to Subcommittees  
RSA 162-H:4-b<sup>1</sup>**

**March 13, 2019**

Effective August 7, 2018, Chapter 216 of the Laws of 2018 amended RSA 162-H by creating a new section RSA 162-H:4-b, *Public Members*. The number of public members was increased to 5, two of whom are designated as full committee members at the time of their appointment. All 5 of the public members constitute a pool from which the chairperson shall draw from when establishing a subcommittee pursuant to RSA 162-H:4-a.

The amendments also provided that: “[t]he chairperson of the committee may publish an impartial methodology that shall be used to determine when the chairperson may remove a public member from the pool for a particular draw based upon criteria aimed at distributing the workload among public members.”

**Random Draw Procedure**

Upon receipt of an application or other filing for which appointment of a subcommittee is appropriate, any public members serving at that time on a subcommittee will have their names removed from the available pool of public members.<sup>2</sup> The administrator will write the docket number and the name of the remaining public members on individual 3x5 index cards and place them into a hat or other opaque container. The chairperson, as observed by the administrator, will draw the card(s) of the one or 2 public members required to be on the subcommittee, as prescribed in RSA 162-H:4-a, and shall then issue an order naming the public member(s) to the subcommittee. In the absence of the chair, the vice-chair will conduct the random draw.

If there are public members serving on subcommittees so that the pool would contain less than the number of public members required to properly constitute a subcommittee, then all of the public members will be included in the pool.

**Recusal**

Pursuant to Site 202.03 and RSA 162-H:4-b, VI, if at any time a public member of the committee or subcommittee must recuse himself or herself from a matter for good cause, or is not otherwise available for good reason, then the member shall so state in writing, and the chairperson will replace the public member using the random draw procedure.

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<sup>1</sup> The development of this methodology is not subject to RSA 541-A. *See* RSA 162-H:4-b, IV.

<sup>2</sup> A public member “serves on a subcommittee” until a written order on rehearing is issued in the docket to which they are assigned. Footnote 2 added for clarification on March 13, 2019.