

Bill as Introduced

HB 1233 - AS INTRODUCED

2012 SESSION

12-2371
06/05

HOUSE BILL

1233

AN ACT

establishing a statute of limitations on wetlands filling and dredging.

SPONSORS:

Rep. Mellow, Carr 3; Rep. Mirski, Graf 10; Rep. McConkey, Carr 3; Rep. Babson,
Carr 3

COMMITTEE:

Resources, Recreation and Development

ANALYSIS

This bill establishes a statute of limitations for persons who acquire property more than 5 years after an activity creating a violation of wetlands fill and dredge requirements has ended.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT establishing a statute of limitations on wetlands filling and dredging.

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

1 1 New Section; Limitation on Enforcement Action. Amend RSA 482-A by inserting after section
2 14-b the following new section:

3 482-A:14-c Limitation on Enforcement Action. No person who acquires property, by any means,
4 more than 5 years after an activity constituting a violation of this chapter has been completed, shall
5 be subject to an enforcement action under this chapter for such violation, unless the person knew of
6 the existence of the violation at the time he or she acquired the property. Nothing in this section
7 shall limit any enforcement action for ongoing groundwater contamination, including injunctive
8 relief requiring restoration of impacted areas, against the person committing the violation.

9 2 Effective Date. This act shall take effect January 1, 2013.

Amendments



Amendment to HB 1233

1 Amend RSA 482-A:14-c as inserted by section 1 of the bill by replacing it with the following:

2

3 482-A14-c Limitation on Enforcement Action. No person who acquires property, by any means,
4 more than 5 years after an activity constituting a violation of this chapter has been completed, shall
5 be subject to an enforcement action under this chapter for such violation, provided such person
6 allows restoration of impacted areas, unless the person knew of the existence of the violation at the
7 time that the person acquired the property. Nothing in this section shall limit any enforcement
8 action for violation of this chapter, including injunctive relief requiring restoration of impacted areas,
9 against the person who committed the violation. Nothing in this section shall limit any enforcement
10 action with respect to any violation of this chapter, including injunctive relief requiring restoration of
11 impacted areas, for which written notice of the violation has been provided to the owner by the
12 department prior to January 1, 2013. In addition to any common law remedy, any person who
13 suffers damages as a result of a violation of this chapter committed by another may seek
14 compensation from the person who committed the violation, including diminution in property value
15 and reasonable attorney's fees.

562h



Amendment to HB 1233

1 Amend RSA 482-A:14-c as inserted by section 1 of the bill by replacing it with the following:

2

3 482-A14-c Limitation on Enforcement Action. No person who acquires property, by any means,
4 more than 5 years after an activity constituting a violation of this chapter has been completed, shall
5 be subject to an enforcement action under this chapter for such violation, provided such person
6 allows restoration of impacted areas, unless the person knew of the existence of the violation at the
7 time that the person acquired the property. Nothing in this section shall limit any enforcement
8 action for violation of this chapter, including injunctive relief requiring restoration of impacted areas,
9 against the person who committed the violation. Nothing in this section shall limit any enforcement
10 action with respect to any violation of this chapter, including injunctive relief requiring restoration of
11 impacted areas, for which written notice of the violation has been provided to the owner by the
12 department prior to January 1, 2013. In addition to any common law remedy, any person who
13 suffers damages as a result of a violation of this chapter committed by another may seek
14 compensation from the person who committed the violation, including diminution in property value
15 and reasonable attorney's fees.

Speakers

Hearing Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1233

BILL TITLE: establishing a statute of limitations on wetlands filling and dredging.

DATE: January 17, 2012

LOB ROOM: 305 **Time Public Hearing Called to Order:** 10:55 a.m.

Time Adjourned: 11:45 a.m.

(please circle if present)

Committee Members: Reps. Renzullo, Kappler, C. Christensen, Russell, Ahlgren, Merrow, Bolster, Howard, Hutchinson, Lovett, Pettengill, Schroadter, Spang, Parkhurst, Moody, Aguiar and Thomas.

Bill Sponsors: Rep. Merrow, Carr 3; Rep. Mirski, Graf 10; Rep. McConkey, Carr 3; Rep. Babson, Carr 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Rep. Harry Merrow - Prime sponsor of the bill. Wants to prevent an owner from being liable for enforcement action after five years from the time of acquisition.

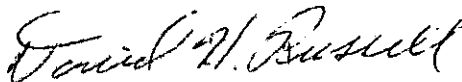
* **Rene Pelletier, NH Department of Environmental Services (DES)** - Supports the bill. Has suggested amendment in testimony. Says language on line 5 "knew" should be "knew or should have known".

Allen Brooks, Department of Justice - New owner will not be liable until the original violator is located.

Ron Ciotti & Jim Gove, Construction Attorney, Environmental Engineer - Supports the bill. Doesn't like the addition of the language "should have known", hard to prove. Feels it is difficult to find a violation, particularly in cases that could be 5-50 years old.

Kenneth Rhodes, Associated General Contractors, ^{Gove} Consulting Engineers - Supports the bill. Particularly the statute of limitation.

Respectively submitted,



Rep. David H. Russell
Acting Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

PUBLIC HEARING ON HB 1233

BILL TITLE: establishing a statute of limitations on wetlands filling and dredging.

DATE: 1/17/12

LOB ROOM: 305

Time Public Hearing Called to Order: ~~10:45~~ 10:55 AM

Time Adjourned: 11:45

(please circle if present)

Committee Members: Reps. Renzulla, Kappler, C. Christensen, Russell, Ahlgren, Morrow, Bolster, Howard, Hutchinson, Lovett, Pettengill, Schroädter, Spang, Parkhurst, Moody, Aguiar and Thomas.

Bill Sponsors: Rep. Morrow, Carr 3; Rep. Mirski, Graf 10; Rep. McConkey, Carr 3; Rep. Babson, Carr 3

TESTIMONY

* Use asterisk if written testimony and/or amendments are submitted.

Public Hearing
HD 1233
1/17/12 10:55 AM Rm 305 LOB

establishing a statute of limitations on wetlands filling and dredging

- 1 Harry Merrow, Prime Sponsor, wants to prevent an owner from being liable for enforcement action after five years from the time of acquisition.
- *2 Rene Pelletier Water Division DRED Supports bill, has suggested amendment in testimony. Says language on line 5 "knew" should be "knew or should have known"
- 2-a Allen Brooks, Dept of Justice. New owner will not be liable until the original violator is located.
- 3 Ron Ciotti, Jim Gove Construction Attorney, Environmental Engineer Supports bill doesn't like the addition of the language "should have known", hard to prove. Feels it is difficult to find a violation, particularly in ~~the~~ cases that could be 5-50 years old.
- 4 Ken Rhodes, Associated General Contractors, C.W.D Consulting Engineers. Supports bill, particularly the statute of limitation

Sub-Committee Minutes

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1233

BILL TITLE: establishing a statute of limitations on wetlands filling and dredging.

DATE: January 26, 2012

Subcommittee Members: Reps.

Comments and Recommendations: Please see attached notes.

Amendments:

Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:
Sponsor: Rep.	OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Chris Christensen
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

SUBCOMMITTEE WORK SESSION ON HB 1233

BILL TITLE: establishing a statute of limitations on wetlands filling and dredging.

DATE:

1/26/12

Subcommittee Members: Reps.

Comments and Recommendations:

Amendments:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep.

Subcommittee Chairman/Clerk

No person who acquires property, by any means, more than 5 years after an activity constituting a violation of this chapter has been completed, shall be subject to an enforcement action under this chapter for such violation, unless the person knew of the existence of the violation at the time that the person acquired the property or the existence of the violation would have been evident through the exercise of due diligence prior to acquiring the property, and provided such person allows restoration of impacted areas.

handout from Joel Anderson at
sub committee meeting 1/26/12

1/26/12

H.B. 1233 Sub Comm. Fee

statute of limitation on wetlands
filling & dredging.

- 1) Handout from Joel Anderson to
adj. "should have known"
language that was a concern at
the hearing.

Committee Amendment

~~AMENDMENT TO
DES COMMISSIONER THOMAS BURACK LETTER OF TESTIMONY
TO REPRESENTATIVE ANDREW RENZULLO ON HB 1233
DATED JANUARY 17, 2012~~

AN ACT establishing a statute of limitations on wetlands filling and dredging.

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

1 New Section; Limitation on Enforcement Action. Amend RSA 482-A by inserting after section 14-b the following new section:

~~482-A:14-c Limitation on Enforcement Action. No person who acquires property, by any means, more than 5 years after an activity constituting a violation of this chapter has been completed, shall be subject to an enforcement action under this chapter for such violation, provided such person allows restoration of impacted areas, unless the person knew of the existence of the violation at the time that the person acquired the property. Nothing in this section shall limit any enforcement action for any violation of this chapter, including injunctive relief requiring restoration of impacted areas, against the person who committed the violation. Nothing in this section shall limit any enforcement action with respect to any violation of this chapter, including injunctive relief requiring restoration of impacted areas, for which written notice of the violation has been provided to the owner by the department prior to the effective date of this section.~~

2 Effective Date. This act shall take effect January 1, 2013.

482-A:14-c Limitation on Enforcement Action. No person who acquires property, by any means, more than 5 years after an activity constituting a violation of this chapter has been completed, shall be subject to an enforcement action under this chapter for such violation, provided such person allows restoration of impacted areas, unless the person knew of the existence of the violation at the time that the person acquired the property. Nothing in this section shall limit any enforcement action for any violation of this chapter, including injunctive relief requiring restoration of impacted areas, against the person who committed the violation. Nothing in this

Put Effective date at end

section shall limit any enforcement action with respect to any violation of this chapter, including injunctive relief requiring restoration of impacted areas, for which written notice of the violation has been provided to the owner by the department prior to the effective date of this section. In addition to any common law remedy, any person who suffers damages as a result of a violation of this chapter committed by another may seek compensation from the person who committed the violation including diminution in property value and reasonable attorney's fees.

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1233

BILL TITLE: establishing a statute of limitations on wetlands filling and dredging.

DATE: February 2, 2012

Subcommittee Members: Reps. Merrow, Thomas, Spang, Renzullo, and Hutchinson

Comments and Recommendations:

Amendments:

Sponsor: Rep. Resources, Recreation & Dev. OLS Document #: 2012 0562h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Hutchinson

Seconded by Rep. Spang

Vote: 4-0

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. Harry Merrow
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

SUBCOMMITTEE WORK SESSION ON HB 1233

BILL TITLE: establishing a statute of limitations on wetlands filling and dredging.

DATE: 2/2/12

Subcommittee Members: Reps. *Merrill, Thomas, Spang, Renzullo, + Hutchinson*

Comments and Recommendations:

Amendments: *as presented by DES (Page 2)*

Sponsor: Rep.

OLS Document #:

2012 - 0562h

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Motions: OTR, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. *Spang*

Seconded by Rep. *Spang*

Vote: *4-0*

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. *Greg C. Merritt*

Subcommittee Chairman/Clerk

closed Comm. at 11:30



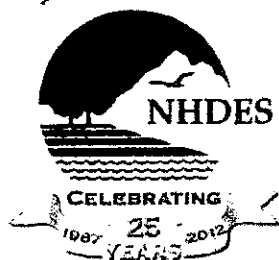
Amendment to HB 1233

1 Amend RSA 482-A:14-c as inserted by section 1 of the bill by replacing it with the following:

2

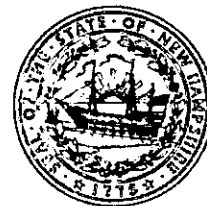
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6 allows restoration of impacted areas, unless the person knew of the existence of the violation at the
7 time that the person acquired the property. Nothing in this section shall limit any enforcement
8 action for violation of this chapter, including injunctive relief requiring restoration of impacted areas,
9 against the person who committed the violation. Nothing in this section shall limit any enforcement
10 action with respect to any violation of this chapter, including injunctive relief requiring restoration of
11 impacted areas, for which written notice of the violation has been provided to the owner by the
12 department prior to January 1, 2013. In addition to any common law remedy, any person who
13 suffers damages as a result of a violation of this chapter committed by another may seek
14 compensation from the person who committed the violation, including diminution in property value
15 and reasonable attorney's fees.

Testimony



The State of New Hampshire
Department of Environmental Services

Thomas S. Burack, Commissioner



*Celebrating 25 Years of Protecting
New Hampshire's Environment*
January 17, 2012

The Honorable Andrew Renzullo, Chairman
Resources, Recreation and Development Committee
Legislative Office Building, Room 305
Concord, NH 03301

Re: HB 1233, establishing a statute of limitations on wetlands filling and dredging.

Dear Chairman Renzullo:

Thank you for the opportunity to comment on HB 1233, which would establish a statute of limitations for persons who acquire property more than 5 years after an activity creating a wetlands violation of wetlands dredge and fill requirements has ended. The Department of Environmental Services (DES) supports HB 1233 in general but offers the following recommendations, embodied in the attached proposed amendment which is based on discussions with the Department of Justice to clarify the language of the bill as introduced.

First, RSA 482-A regulates dredge and fill in surface waters. There is no authority contained in this statute to regulate groundwater. Therefore, DES recommends that the reference to "groundwater contamination" be eliminated. This chapter does not deal with enforcement of groundwater issues so the proposed reference is misplaced. We recommend that this sentence be changed to read "Nothing in this section shall limit any enforcement action for any violation of this chapter against the person who committed the violation." This will ensure that the State may seek relief against any person who actually commits the violations at issue even if that person later becomes the owner of the property in question and claims to have committed the violation inadvertently. It is our understanding that the purpose of this bill is not to limit existing enforcement mechanisms related to actual violators. Our proposal would ensure that this authority is maintained.

We also recommend that the phrase "the person knew" be expanded to read "the person knew or should have known". Actual knowledge is a very high standard of culpability that is difficult to prove or disprove. It also does not comport with the existing enforcement sections of the statute that use either a negligence standard or a strict standard. We believe that using a standard of "knew or should have known" should not be an undue burden on landowners given that buyers of land, and their title companies, are already expected to perform due diligence prior to purchasing property.

Thank you for this opportunity to comment. Please call Rene Pelletier at 271-2951, or me at 271-2958, if you have any questions or need additional information.

Very truly yours,

Thomas S. Burack, Commissioner

cc: Representatives Mellow, Mirski, McConkey, and Babson
www.des.nh.gov

29 Hazen Drive • PO Box 95 • Concord, NH 03302-0095
(603) 271-3503 • TDD Access: Relay NH 1-800-735-2964

**ATTACHMENT TO
DES COMMISSIONER THOMAS BURACK LETTER OF TESTIMONY
TO REPRESENTATIVE ANDREW RENZULL ON HB 1233
DATED JANUARY 17, 2012**

AN ACT establishing a statute of limitations on wetlands filling and dredging.

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

1 New Section; Limitation on Enforcement Action. Amend RSA 482-A by inserting after section 14-b the following new section:

482-A:14-c Limitation on Enforcement Action. No person who acquires property, by any means, more than 5 years after an activity constituting a violation of this chapter has been completed, shall be subject to an enforcement action under this chapter for such violation, provided such person allows restoration of impacted areas, unless the person knew or should have known of the existence of the violation at the time that the person acquired the property. Nothing in this section shall limit any enforcement action for any violation of this chapter, including injunctive relief requiring restoration of impacted areas, against the person who committed the violation. Nothing in this section shall limit any enforcement action with respect to any violation of this chapter, including injunctive relief requiring restoration of impacted areas, for which written notice of the violation has been provided to the owner by the department prior to the effective date of this section.

2 Effective Date. This act shall take effect January 1, 2013.

Voting Sheets

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1233

BILL TITLE: establishing a statute of limitations on wetlands filling and dredging.

DATE: February 21, 2012

LOB ROOM: 305

Amendments:

Sponsor: Rep. Resources, Recreation & Dev. OLS Document #: 2012 0562h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Merrow

Seconded by Rep. Bolster

Vote: 17-0 (Please attach record of roll call vote.)

Motions: OTP, OTP/A, ITL, Interim Study (Please circle one.)

Moved by Rep. Merrow

Seconded by Rep. Bolster

Vote: 17-0 (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: YES

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Chris Christensen, Clerk

HOUSE COMMITTEE ON RESOURCES, RECREATION AND DEVELOPMENT

EXECUTIVE SESSION on HB 1233

BILL TITLE: establishing a statute of limitations on wetlands filling and dredging.

DATE:

LOB ROOM: 305

Amendments:

Sponsor: Rep. **RR & D** OLS Document #: **0562h**
Sponsor: Rep. OLS Document #:
Sponsor: Rep. OLS Document #:

Motions: OTP, **(O)TP/A**, ITL, Interim Study (Please circle one.)
Moved by Rep. **Merron, ~~Russell~~ Bolster** **17-0**
Seconded by Rep.
Vote: (Please attach record of roll call vote.)

Motions: OTP, **(O)TP/A**, ITL, Interim Study (Please circle one.)
Moved by Rep. **Merron, Bolster** **17-0**
Seconded by Rep.
Vote: (Please attach record of roll call vote.)

CONSENT CALENDAR VOTE: **OK**

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,
Rep. Chris Christensen, Clerk

OFFICE OF THE HOUSE CLERK
 RESOURCES, RECREATION and DEVELOPMENT.

AMEND

Bill# HB 1233 Title statute of Limitation

PH Date _____ Exec Date 2/21/12

Motion OTP/A Amendment # 05624

Member	Yea	Nay
RENZULLO, Chair	✓	
KAPPLER Vice-Chair	✓	
CHRISTENSEN	✓	
RUSSELL	✓	
AHLGREN	✓	
MERROW	✓	
BOLSTER	✓	
HOWARD	✓	
HUTCHINSON	✓	
LOVETT	✓	
PETTENGILL	✓	
SCHROADTER	✓	
SPANG	✓	
PARKHURST	✓	
MOODY	✓	
AGUIAR	✓	
THOMAS	✓	

TOTAL

17

0

Committee Report

CONSENT CALENDAR

February 22, 2012

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on RESOURCES, RECREATION AND DEVELOPMENT to which was referred HB1233,

AN ACT establishing a statute of limitations on wetlands filling and dredging. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

Rep. Harry C Mellow

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	RESOURCES, RECREATION AND DEVELOPMENT
Bill Number:	HB1233
Title:	establishing a statute of limitations on wetlands filling and dredging.
Date:	February 22, 2012
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

STATEMENT OF INTENT

Under current law there is no statute of limitations on enforcement of wetland violations. In other words, a current/recent owner of the property could be charged with a wetland violation on something that occurred years ago under a different owner. This limits enforcement violations to a five year period unless the purchaser knew of the violation at the time of purchase. Action against the violator is still allowed including injunctive relief requiring restoration of the impacted areas if written notice was provided prior to June 1, 2013. Any person who suffers damages as a result of a violation may also seek compensation from the person who committed the violation.

Vote 17-0.

Rep. Harry C Merrow
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

RESOURCES, RECREATION AND DEVELOPMENT

HB1233, establishing a statute of limitations on wetlands filling and dredging. **OUGHT TO PASS WITH AMENDMENT.**

Rep. Harry C Merrow for RESOURCES, RECREATION AND DEVELOPMENT. Under current law there is no statute of limitations on enforcement of wetland violations. In other words, a current/recent owner of the property could be charged with a wetland violation on something that occurred years ago under a different owner. This limits enforcement violations to a five year period unless the purchaser knew of the violation at the time of purchase. Action against the violator is still allowed including injunctive relief requiring restoration of the impacted areas if written notice was provided prior to June 1, 2013. Any person who suffers damages as a result of a violation may also seek compensation from the person who committed the violation. **Vote 17-0.**

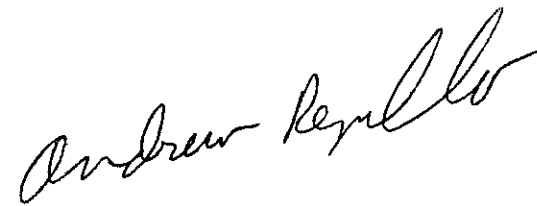
Original: House Clerk
Cc: Committee Bill File

HB 1233

OTP/A

Under current law there is no statute of limitations on enforcement of wetland violations. In other words, a current/recent owner of the property could be charged with a wetland violation on something that occurred years ago under a different owner. This limits enforcement violations to a five year period unless the purchaser knew of the violation at the time of purchase. Action against the violator is still allowed including injunctive relief requiring restoration of the impacted areas if written notice was provided prior to June 1, 2013. Any person who suffers damages as a result of a violation may also seek compensation from the person who committed the violation.

Harry Merrow

A handwritten signature in cursive script, reading "Andrew Reynolds". The signature is written in dark ink and is slanted slightly to the right.

HB 1233

OTP/A

Under current law there is no statute of limitations on enforcement of wetland violations. In other words, a current/recent owner of the property could be charged with a wetland violation on something that occurred years ago under a different owner. This limits enforcement violations to a five year period unless the ^{person} ~~person~~ knew of the violation at the time of ^{purchase} ~~purchase~~. Action against the violator ^{or} is still allowed including ~~unjustive~~ ^{injunctive} relief requiring restoration of the impacted areas if written notice was provided prior to June 1, 2013. Any person who suffers damages as a result of a violation may also seek compensation from the person who committed the violation.

Harry Merrow

COMMITTEE REPORT

COMMITTEE: RR+D

BILL NUMBER: 1233 AS Amended

TITLE: Establishes a statute of limitations on wetlands filling + discharge

DATE: 2/21/12 CONSENT CALENDAR: YES NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2nd year of biennium)

Amendment No.

STATEMENT OF INTENT:

Under current law there is no statute of limitations on
enforcement of wetland violations. In other words a current/present
owner of the property could be ^{charged} with a wetland violation
on something that occurred years ago under a ^{owner} different owner.
~~After a 5 year~~ ^{This limits} enforcement of violations to a 5 year period unless the
~~person~~ ^{person} knew of the violation at the time of purchase. Action against
the violator is ^{also} allowed including injunctive relief ^{regarding} restoration
of the impacted area if written notice was provided prior to Jan 1, 2013.
Any person who suffers damage as a result of a violation
may also seek compensation from the person who committed the violation

COMMITTEE VOTE: 17/0

RESPECTFULLY SUBMITTED,

- Copy to Committee Bill File
- Use Another Report for Minority Report

Rep. Henry C. Merrow
For the Committee