

# Bill as Introduced

HB 1597 - AS INTRODUCED

2012 SESSION

12-2500  
01/09

HOUSE BILL **1597**

AN ACT relative to taking by eminent domain for certain purposes.

SPONSORS: Rep. Rappaport, Coos 1; Rep. Kaen, Straf 7

COMMITTEE: Judiciary

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ANALYSIS

This bill grants an owner of real property whose view will be impacted if transmission lines are constructed because of eminent domain the rights to have his or her property appraised by a real estate appraiser certified or licensed pursuant to RSA 310-B and to be compensated by the owner of the transmission lines for the difference in value.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to taking by eminent domain for certain purposes.

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

- 1        1 New Section; Owner of Real Property; View Option. Amend RSA 371 by inserting after section  
2 5-b the following new section:  
3        371:5-c Owner of Real Property; View Option. When private real property is proposed to be  
4 acquired for construction of an above ground transmission line, the owner of the property shall have  
5 the option to choose a real estate appraiser licensed or certified pursuant to RSA 310-B to appraise  
6 the property for the value of the view which will be impacted due to such transmission lines. The  
7 owner of the transmission lines shall be responsible for compensating the owner of the real property  
8 for the difference in value. If the owner of the transmission lines does not comply with this section  
9 within 6 months of the request for compensation, the party aggrieved may bring a civil action.  
10        2 Effective Date. This act shall take effect 60 days after its passage.

HB 1597 - AS AMENDED BY THE HOUSE

15Feb2012... 0411h

2012 SESSION

12-2500  
01/09

HOUSE BILL            **1597**

AN ACT                relative to taking by eminent domain for certain purposes.

SPONSORS:            Rep. Rappaport, Coos 1; Rep. Kaen, Straf 7

COMMITTEE:          Judiciary

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AMENDED ANALYSIS

This bill grants an owner of real property which was subject to eminent domain whose valuation will be impacted if transmission lines are constructed because of eminent domain the right to be compensated by the owner of the transmission lines for the difference in value.

.....

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 relative to taking by eminent domain for certain purposes.

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

1       1 Residential Owner Option. Amend RSA 371:5-a, I to read as follows:

2           1.(a) When private real property which is used for residential purposes is proposed to be  
3 acquired in part for the construction of an above ground substation or transmission line, the owners  
4 of the residential property shall have the option to:

5                   (1) Require the utility to condemn and take in fee the entire tract of land impacted  
6 by the proposed partial taking including all buildings and improvements thereon [if]; *or*

7                   (2) *Require the utility to compensate the owners for the devaluation of the*  
8 *remaining part, including but not limited to the view and electronic interference, if any.*

9           (b) All owners, excluding lien holders and mortgagees, of the private real property *shall*  
10 make such an election and provide the commission and the utility with written notice of their  
11 election within 30 days after receipt of the notice under RSA 371:4. If the utility acquires the entire  
12 tract of land with buildings and improvements thereon pursuant to this section or by agreement with  
13 the owners, the entire acquisition shall be deemed to be an acquisition for a public purpose and for  
14 use in the utility's business.

15       2 Effective Date. This act shall take effect 60 days after its passage.

LBAO  
12-2500  
Amended 03/06/12

HB 1597 FISCAL NOTE

AN ACT relative to taking by eminent domain for certain purposes.

**FISCAL IMPACT:**

The Public Utilities Commission states this bill, as amended by the House (Amendment #2012-0411h), may increase state, county and local expenditures by an indeterminable amount in FY 2012 and each year thereafter. There is no fiscal impact on state, county and local revenue.

**METHODOLOGY:**

The Public Utilities Commission states this bill requires a utility to compensate the owners for the devaluation of the remaining portion of a tract of residential property that was not acquired or condemned for the construction of an above ground substation or transmission line. To the extent such compensation costs are included in the cost of a utility plant, there may be an increase in the amount that would be recovered from customers. The Commission states this bill does not indicate how such compensation would be determined nor does the Commission know the amount of such compensation as it would depend on particular projects developed by utilities as well as whether any petition pursuant to RSA 371 were to be granted by the Commission. To the extent state, county or local governments are customers of a utility they may have an increase in expenditures as the utility recovers its costs associated with compensating property owners.

# Amendments

Amendment to HB 1597

1 Amend the bill by replacing section 1 with the following:

2

3 1 Residential Owner Option. Amend RSA 371:5-a, I to read as follows:

4 I.(a) When private real property which is used for residential purposes is proposed to be  
5 acquired in part for the construction of an above ground substation or transmission line, the owners  
6 of the residential property shall have the option to:

7 (1) Require the utility to condemn and take in fee the entire tract of land impacted  
8 by the proposed partial taking including all buildings and improvements thereon ~~if~~; or

9 (2) *Require the utility to compensate the owners for the devaluation of the*  
10 *remaining part, including but not limited to the view and electronic interference, if any.*

11 (b) All owners, excluding lien holders and mortgagees, of the private real property *shall*  
12 make such an election and provide the commission and the utility with written notice of their  
13 election within 30 days after receipt of the notice under RSA 371:4. If the utility acquires the entire  
14 tract of land with buildings and improvements thereon pursuant to this section or by agreement with  
15 the owners, the entire acquisition shall be deemed to be an acquisition for a public purpose and for  
16 use in the utility's business.



2012-0411h

AMENDED ANALYSIS

This bill grants an owner of real property which was subject to eminent domain whose valuation will be impacted if transmission lines are constructed because of eminent domain the right to be compensated by the owner of the transmission lines for the difference in value.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON JUDICIARY  
PUBLIC HEARING ON HOUSE BILL 1597

**BILL TITLE:** relative to taking by eminent domain for certain purposes.  
**DATE:** January 17, 2012  
**LOB ROOM:** 208                      **Time Public Hearing Called to Order:** 10:05 am  
**Time Adjourned:** 10:30 am

(please circle if present)

**Committee Members:** Reps. Rowe, Sorg, Souza, Hagan, Silva, Hopper, Andolina, Giuda, LaCasse,  
McClarren, Murphy, Palmer, Peterson, Wall, Potter, Weber and Watrous.

**Bill Sponsors:** Rep. Rappaport, Coos 1; Rep. Kaen, Straf 7

TESTIMONY

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

Rep. Peter Silva introduced the bill.

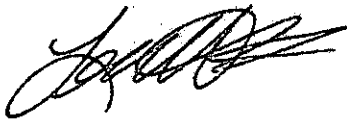
**Donald Pfundstein, Northern Pass – opposes**

Lawyer opposes the bill as written, deals with view affect. HB 1210 is a better bill that acts to public utility. There is a provision of appraisals by the utility and payment "view affect." This bill as no payment. Creates a new category for "view affect." Not clear as to how "view tax" debate will play out with real estate and property tax. HB 1210 spells this out much clearer.

**Rep. Rappaport - supports**

Separate issues from HB 1210. Problem is appraisals do not bear reality to what property is actually worth. If eminent domain is going to be used, party should get what property is actually worth.

Respectfully submitted,



Lenette M. Peterson, Clerk

HOUSE COMMITTEE ON JUDICIARY  
PUBLIC HEARING ON HOUSE BILL 1597

BILL TITLE: relative to taking by eminent domain for certain purposes.

DATE: {Type HEARING DATE here}

LOB ROOM: 208

Time Public Hearing Called to Order:

{Time} 10:05

Time Adjourned:

{Time} 10:30

(please circle if present)

Committee Members: Reps. ~~Rowe, Sorg, Souza, Hagan, Silva, Mopper, Andolina, Giuda, LaCasse,~~  
~~McClarren, Murphy, Palmer, Peterson, Wall, Potter, Weber and Watrous.~~

Bill Sponsors: Rep. Rappaport, Coos 1; Rep. Kaen, Straf 7

TESTIMONY

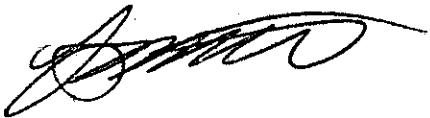
\* Use asterisk if written testimony and/or amendments are submitted.

Rep. Silva - introduced the bill

Donald P. Stein - (opp) lawyer/ opposes bill as written, is  
Northern Pass deals with view affect. HB1210 <sup>is</sup> ~~not~~  
a better bill that acts to Public Utility

There is a provision of abrasil by the utility and payment  
This bill as no payment. Creates a new category for  
"view affect". Not clear as to how "view tax" debate  
will play out w/ real estate + prop. tax. HB1210 spells  
this out much clearer.

Respectfully submitted,



Lenette M. Peterson, Clerk

Rep. Rappaport - (sup) separate issues from HB1210.

(Sponsor)

Problem is appraisals don't bear reality to what property is actually worth. If eminent dom. is going to be used, party should get what property is actually worth.



HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

PUBLIC HEARING ON HB 1597

**BILL TITLE:** relative to taking by eminent domain for certain purposes.  
**DATE:** 3-6-12  
**LOB ROOM:** 302      **Time Public Hearing Called to Order:** 1316  
**Time Adjourned:** 1341

(please circle if present)

**Committee Members:** Reps. Hunt, Coffey, Belanger, Flanders, Quandt, Headd, Nevins, Palfrey, Sullivan, Bergevin, Manuse, Mauro, McGuinness, Rice, Taylor, Meader, Gidge and Schlachman.

**Bill Sponsors:** Reps. Rappaport & Kaen

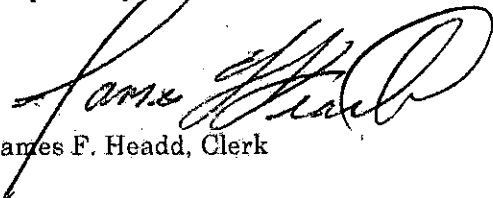
TESTIMONY

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

**Rep. Lawrence Rappaport, prime sponsor** –Introduced bill. Purpose of the bill is to ensure the right to be compensated by the transmission lines owner for the difference in value; the value of owners' property will probably decrease if land is taken. Has done some research on value; believes individual's property probably depreciated. Says it is a very subjective issue and needs discussion to be made by assessor.

**Jim Monahan, NEPGA** – Supports bill. Who decides value; this would be adjudicated. Bill permits a property owner whose land has been taken by eminent domain to go before the utilities commission to say his land value has been depreciated. PUC first determines a value; if owner is not satisfied he then can appeal to Superior Court. If a wire transverses any land and bothers my neighbors view, my neighbor has no claim for depreciation of his property value; this is the interpretation of Mr. Monahan.

Respectfully Submitted:

  
James F. Headd, Clerk

# Sub-Committee Actions

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 1597

**BILL TITLE:** relative to taking by eminent domain for certain purposes.

**DATE:** 3-20-12

**Subcommittee Members:** Reps. Full Committee

**Comments and Recommendations:** Bill protects private property homeowners.

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

**Motions:** OTP/OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Coffey

Seconded by Rep. Schlachman

Vote: 8-0

Respectfully submitted,

Rep. Jennifer Coffey  
Subcommittee Chairman/Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

SUBCOMMITTEE WORK SESSION ON HB 1597

**BILL TITLE:** relative to taking by eminent domain for certain purposes.

**DATE:** 3-20-12

**Subcommittee Members:** Reps.

**Comments and Recommendations:**

Bill protects private property homeowners.

**Amendments:**

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

Sponsor: Rep.

OLS Document #:

**Motions:**  OTP  OTP/A,  ITL,  Retained (Please circle one.)

Moved by Rep.

Caffrey

Seconded by Rep.

Schlachman

Vote:

OTP 8-0

**Motions:**  OTP,  OTP/A,  ITL,  Retained (Please circle one.)

Moved by Rep.

Seconded by Rep.

Vote:

Respectfully submitted,

Rep. {Type NAME}  
Subcommittee Chairman/Clerk



# Voting Sheets

HOUSE COMMITTEE ON JUDICIARY  
EXECUTIVE SESSION ON HOUSE BILL 1597

**BILL TITLE:** relative to taking by eminent domain for certain purposes.

**DATE:** February 7, 2012

**LOB ROOM:** 208

Amendments:

Sponsor: Rep. Giuda OLS Document #: 2012 0411h

Sponsor: Rep. OLS Document #:

Sponsor: Rep. OLS Document #:

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

Moved by Rep. J Brandon Giuda

Seconded by Rep. Brian Murphy

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

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

Moved by Rep. J. Brandon Giuda

Seconded by Rep. Brian Murphy

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

CONSENT CALENDAR VOTE: YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,



Rep. Lenette M. Peterson Clerk

HOUSE COMMITTEE ON JUDICIARY  
EXECUTIVE SESSION ON HOUSE BILL 1597

BILL TITLE: relative to taking by eminent domain for certain purposes.

DATE: {Type DATE} 2/7/12

LOB ROOM: 208

Amendments:

Sponsor: Rep. 04116 Giuda OLS Document #: 04116  
Sponsor: Rep. OLS Document #:  
Sponsor: Rep. OLS Document #:

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

Moved by Rep. Giuda  
Seconded by Rep. Murphy

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

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

Moved by Rep. Giuda  
Seconded by Rep. Murphy

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

CONSENT CALENDAR VOTE: YES NO

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Lenette M. Peterson Clerk

JUDICIARY

Bill #: HB 1597 Title: \_\_\_\_\_

PH Date: 1/17/12

Exec Session Date: 2/7/12

Motion: OTP

Amendment #: 0411h

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	✓	
Sorg, Gregory M, V Chairman	✓	
Souza, Kathleen F	✓	
<del>Hagan, Joseph M</del> <u>Kapler</u>	✓	
Silva, Peter L	✓	
Hopper, Gary S	✓	
Andolina, Donald C	✓	
Giuda, J. Brandon	✓	
LaCasse, Paul D	✓	
McClarren, Donald B	✓	
Murphy, Brian JX	✓	
Palmer, Barry J	✓	
Peterson, Lenette M, Clerk	✓	
Wall, Janet G	✓	
Potter, Frances D	✓	
Weber, Lucy M	✓	
Watrous, Rick H	✓	
	17	0
TOTAL VOTE:		



JUDICIARY

Bill #: HB 1597 Title: \_\_\_\_\_

PH Date: 1/17/12

Exec Session Date: 2/17/12

Motion: 04 PA

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Rowe, Robert H, Chairman	✓	
Sorg, Gregory M, V Chairman	✓	
Souza, Kathleen F	✓	
<del>Jagan, Joseph M</del> <i>Rapier</i>	✓	
Silva, Peter L	✓	
Hopper, Gary S	✓	
Andolina, Donald C	✓	
Giuda, J. Brandon	✓	
LaCasse, Paul D	✓	
McClarren, Donald B	✓	
Murphy, Brian JX	✓	
Palmer, Barry J	✓	
Peterson, Lenette M, Clerk	✓	
Wall, Janet G	✓	
Potter, Frances D	✓	
Weber, Lucy M	✓	
Watrous, Rick H	✓	
	17	0

TOTAL VOTE:

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1597

**BILL TITLE:** relative to taking by eminent domain for certain purposes.

**DATE:** 3-20-12

**LOB ROOM:** 302

**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: (Please attach record of roll call vote.)

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

Moved by Rep. Mauro

Seconded by Rep. Coffey

Vote: 13-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE:** Consent or Regular (Circle One)

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

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. Chris Nevins, Clerk

HOUSE COMMITTEE ON COMMERCE AND CONSUMER AFFAIRS

EXECUTIVE SESSION on HB 1597

BILL TITLE: relative to taking by eminent domain for certain purposes.

DATE: 3-20-12

LOB ROOM: 302

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. *MADD*

Seconded by Rep. *COTTON*

Vote: *19-0* (Please attach record of roll call vote.)

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

Moved by Rep.

Seconded by Rep.

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

CONSENT CALENDAR VOTE Consent or Regular (Circle One)

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

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. Jim Headd, Clerk

COMMERCE AND CONSUMER AFFAIRS

Bill #: HB 1597 Title: Relative to taking by eminent domain for certain purposes

PH Date: 3 / 20 / 12

Exec Session Date: 3 / 20 / 12

Motion: MAURO OTP

Amendment #: \_\_\_\_\_

MEMBER	YEAS	NAYS
Hunt, John B, Chairman	✓	
Coffey, Jennifer R, V Chairman	✓	
Belanger, Ronald J	✓	
Flanders, Donald H	✓	
Quandt, Matt J	✓	
Headd, James F, Clerk	✓	
Nevins, Chris F	✓	
Palfrey, David J	✓	
Sullivan, James M	✓	
Bergevin, Jerry E	✓	
Manuse, Andrew J	✓	
Mauro, Donna C	✓	
McGuinness, Sean M	✓	
Rice, Frederick C	✓	
Taylor, Kathleen N	✓	
Meader, David R	✓	
Gidge, Kenneth N	✓	
Schlachman, Donna L	✓	
TOTAL VOTE:	19-0	

# Committee Report

**CONSENT CALENDAR**

**February 8, 2012**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on JUDICIARY to which was referred

HB 1597,

AN ACT relative to taking by eminent domain for certain purposes. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

**Rep. J. Brandon Giuda**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	JUDICIARY
Bill Number:	HB 1597
Title:	relative to taking by eminent domain for certain purposes.
Date:	February 8, 2012
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS WITH AMENDMENT

### STATEMENT OF INTENT

Currently, property owners who have a portion of their property taken by eminent domain have only two options: (1) get compensated for the portion of the property taken and keep the remaining portion, or (2) choosing to require the utility to take the entire property. However, those property owners who choose to keep the remaining portion receive no compensation for the decrease in value to that portion. The submitted bill expands the compensation to include any decrease in value caused by a view impact on the remaining portion. However, the committee acknowledged that any decrease in value is a taking (whether due to a ruined view or other factors), and therefore the ability of an owner to receive compensation should not be limited to devaluation caused by a view impact. As such, the committee amendment improves the submitted bill by expanding the compensation to include all devaluation to the remaining property.

Vote 17-0.

Rep. J. Brandon Giuda  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### JUDICIARY

**HB 1597**, relative to taking by eminent domain for certain purposes. **OUGHT TO PASS WITH AMENDMENT.**

Rep. J. Brandon Giuda for JUDICIARY. Currently, property owners who have a portion of their property taken by eminent domain have only two options: (1) get compensated for the portion of the property taken and keep the remaining portion, or (2) choosing to require the utility to take the entire property. However, those property owners who choose to keep the remaining portion receive no compensation for the decrease in value to that portion. The submitted bill expands the compensation to include any decrease in value caused by a view impact on the remaining portion. However, the committee acknowledged that any decrease in value is a taking (whether due to a ruined view or other factors), and therefore the ability of an owner to receive compensation should not be limited to devaluation caused by a view impact. As such, the committee amendment improves the submitted bill by expanding the compensation to include all devaluation to the remaining property. **Vote 17-0.**

Original: House Clerk  
Cc: Committee Bill File



COMMITTEE REPORT

cc

COMMITTEE: Judiciary

BILL NUMBER: HB 1597

TITLE: relative to taking by eminent domain  
for certain purposes

DATE: 2.7.2012 CONSENT CALENDAR: YES  NO

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

Amendment No. <u>0411h</u>
-------------------------------

JUDICIARY

HB 1597, relative to taking by eminent domain for certain purposes. OTP-A.

Rep. J. Brandon Giuda for Judiciary: Currently, property owners who have a portion of their property taken by eminent domain have only two options: (1) get compensated for the portion of the property taken and keep the remaining portion, or (2) choosing to require the utility to take the entire property. However, those property owners who choose to keep the remaining portion receive no compensation for the decrease in value to that portion. The submitted bill expands the compensation to include any decrease in value caused by a view impact on the remaining portion. However, the committee acknowledged that any decrease in value is a taking (whether due to a ruined view or other factors), and therefore the ability of an owner to receive compensation should not be limited to devaluation caused by a view impact. As such, the committee amendment improves the submitted bill by expanding the compensation to include all devaluation to the remaining property. Vote 17-0.

COMMITTEE VOTE: 17-0

- |   |
|---|
| <ul style="list-style-type: none"> <li>• Copy to Committee Bill File</li> <li>• Use Another Report for Minority Report</li> </ul> |
|---|

RESPECTFULLY SUBMITTED,  
 Rep. J. Brandon Giuda  
 For the Committee

**CONSENT CALENDAR**

**March 28, 2012**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on COMMERCE AND CONSUMER  
AFFAIRS to which was referred HB1597,

AN ACT relative to taking by eminent domain for  
certain purposes. Having considered the same, report  
the same with the recommendation that the bill OUGHT  
TO PASS.

**Rep. Donna C Mauro**

**FOR THE COMMITTEE**

## COMMITTEE REPORT

Committee:	COMMERCE AND CONSUMER AFFAIRS
Bill Number:	HB1597
Title:	relative to taking by eminent domain for certain purposes.
Date:	March 21, 2012
Consent Calendar:	YES
Recommendation:	OUGHT TO PASS

### STATEMENT OF INTENT

This bill grants an owner of real property which was subject to eminent domain and whose valuation will be impacted if transmission lines are constructed because of eminent domain the right to be compensated by the owner of the transmission lines for the difference in value. While the committee does not support 'Eminent Domain' by private entities in general and we were assured in committee that it has rarely been used in the past, this bill would assure fair treatment, and choices of compensation, to a residential property owner in case 'Eminent Domain' is exercised on that property owner.

Vote 13-0.

Rep. Donna C Mauro  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

## CONSENT CALENDAR

### COMMERCE AND CONSUMER AFFAIRS

**HB1597**, relative to taking by eminent domain for certain purposes. **OUGHT TO PASS.**  
Rep. Donna C Mauro for COMMERCE AND CONSUMER AFFAIRS. This bill grants an owner of real property which was subject to eminent domain and whose valuation will be impacted if transmission lines are constructed because of eminent domain the right to be compensated by the owner of the transmission lines for the difference in value. While the committee does not support 'Eminent Domain' by private entities in general and we were assured in committee that it has rarely been used in the past, this bill would assure fair treatment, and choices of compensation, to a residential property owner in case 'Eminent Domain' is exercised on that property owner. **Vote 13-0.**

Original: House Clerk  
Cc: Committee Bill File

**Stapler, Carol**

**From:** John B. Hunt [jbhunt@prodigy.net]  
**Sent:** Wednesday, March 21, 2012 8:20 AM  
**To:** Stapler, Carol  
**Subject:** Re: blurb

This bill grants an owner of real property which was subject to eminent domain and whose valuation will be impacted if transmission lines are constructed because of eminent domain the right to be compensated by the owner of the transmission lines for the difference in value. While the committee does not support 'Eminent Domain' by private entities in general and we were assured in committee that it has rarely been used in the past, this bill would assure fair treatment, and choices of compensation, to a residential property owner in case 'Eminent Domain' is exercised on that property owner.

Revised by JBH

**From:** Carol Stapler <carol.stapler@leg.state.nh.us>  
**Date:** Wed, 21 Mar 2012 12:08:10 +0000  
**To:** "John B. Hunt User" <jbhunt@prodigy.net>  
**Subject:** FW: blurb

This bill grants an owner of real property which was subject to eminent domain whose valuation will be impacted if transmission lines are constructed because of eminent domain the right to be compensated by the owner of the transmission lines for the difference in value. While I do not support 'Eminent Domain' and we were assured in committee that it has rarely been used in the past, this bill would assure fair treatment, and choices of compensation, to a residential property owner in case 'Eminent Domain' is exercised on that property owner.