

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

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.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

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 I.(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.

Committee Minutes

**SENATE CALENDAR NOTICE
JUDICIARY**

Senator Matthew Houde Chairman
 Senator Sharon Carson V Chairman
 Senator Fenton Groen
 Senator Jim Luther
 Senator James Forsythe

For Use by Senate Clerk's Office ONLY	
<input type="checkbox"/>	Bill Status
<input type="checkbox"/>	Docket
<input type="checkbox"/>	Calendar
Proof: <input type="checkbox"/>	Calendar <input type="checkbox"/> Bill Status

Date: April 30, 2012

HEARINGS

Thursday

5/10/2012

JUDICIARY

LOB 101

1:00 PM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

1:00 PM HB1551

(New Title) clarifying the liability of landowners, lessees, and occupants of premises who allow other persons to use the premises for hunting, fishing, and other recreational purposes or to remove fuel wood, and relative to the losing party's payment of the prevailing party's costs in actions against such landowners, lessees, and occupants.

1:15 PM HB1263

(New Title) relative to the termination of tenancy and repealing the requirement that landlords of restricted residential property provide service of process information.

1:35 PM HB1597 ✓

relative to taking by eminent domain for certain purposes.

1:45 PM HB1332

relative to the law enforcement authority of fish and game conservation officers.

Sponsors:

HB1551

Rep. Gene Chandler
 Sen. Lou D'Allesandro
 Rep. Clifford Newton

Rep. Gary Hopper
 Sen. Jeb Bradley

Sen. Andy Sanborn
 Rep. David Bettencourt

Sen. Jeanie Forrester
 Rep. Lyle Bulis

HB1263

Rep. J. Brandon Giuda
 Rep. Donald LeBrun

Rep. Gene Chandler
 Sen. Tom De Blois

Rep. Paul Mirski

Rep. Paul Ingbretson

HB1597

Rep. Laurence Rappaport

Rep. Naida Kaen

HB1332

Rep. Kenneth Kreis
 Rep. Elaine Swinford

Rep. Robbie Parsons
 Rep. Daniel Itse

Rep. Guy Comtois

Rep. Richard Okerman

Susan Duncan 271-8631

Sen. Matthew Houde

Chairman

Judiciary Committee

Hearing Report

TO: Members of the Senate

FROM: Susan Duncan, Senior Legislative Aide

RE: Hearing report on HB 1597 – relative to taking by eminent domain for certain purposes.

HEARING DATE: May 10, 2012

MEMBERS OF THE COMMITTEE PRESENT: Senators Houde, Groen and Forsythe

MEMBERS OF THE COMMITTEE ABSENT: Senators Carson and Luther

Sponsor(s): Representatives Rappaport and Kaen

What the bill does: 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.

Who supports the bill: No one signed in

Who opposes the bill: No one signed in

Summary of testimony received:

Senator Houde opened and closed the public hearing. No one had signed in either in support of or opposed to the legislation. The bill was not introduced or explained.

Funding: Not applicable.

Action: Senator Forsythe moved "Inexpedient to Legislate." Senator Groen seconded the motion. The Committee voted 3 to 0 in support. Senator Forsythe will report the bill out of Committee

sfd

[file: HB 1597 report]

Date: May 11, 2012

Speakers

SENATE JUDICIARY COMMITTEE

Date: May 10, 2012

Time: 1:30 p.m. Public Hearing on HB 1597

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

Please check box(es) that apply:

<u>SPEAKING</u>	FAVOR	OPPOSED	NAME (Please print)	REPRESENTING
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	_____	_____
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Note: No one signed in either support of or opposed to this bill at the public hearing on 5/9/2012

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE

Date: May 10, 2012

THE COMMITTEE ON Judiciary

to which was referred House Bill 1597

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

Having considered the same, the committee recommends that the Bill:

IS INEXPEDIENT TO LEGISLATE

BY A VOTE OF: 3-0

Senator Jim Forsythe
For the Committee

Susan Duncan 271-8631

New Hampshire General Court - Bill Status System

Docket of HB1597

Docket Abbreviations

Bill Title: relative to taking by eminent domain for certain purposes.*Official Docket of HB1597:*

Date	Body	Description
12/19/2011	H	Introduced 1/4/2012 and Referred to Judiciary; HJ 7 , PG. 361
12/27/2011	H	Public Hearing: 1/17/2012 10:00 AM LOB 208
1/18/2012	H	Subcommittee Work Session: 1/26/2012 9:02 AM LOB 208
1/31/2012	H	Executive Session: 2/7/2012 10:00 AM LOB 208
2/8/2012	H	Committee Report: Ought to Pass with Amendment #0411h for Feb 15 (Vote 17-0; CC); HC 11 , PG.687
2/8/2012	H	Proposed Committee Amendment #2012-0411h ; HC 11 , PG.728-729
2/15/2012	H	Amendment #0411h Adopted, VV; HJ 16 , PG.921-922
2/15/2012	H	Ought to Pass with Amendment #0411h : MA VV; HJ 16 , PG.921-922
2/15/2012	H	Referred to Commerce and Consumer Affairs; HJ 16 , PG.921-922
2/22/2012	H	Public Hearing: 3/6/2012 1:15 PM LOB 302
3/13/2012	H	Full Committee Work Session: 3/20/2012 10:15 AM LOB 302
3/13/2012	H	Executive Session: 3/20/2012 1:15 PM LOB 302
3/21/2012	H	Committee Report: Ought to Pass for Mar 28 (Vote 13-0; CC); HC 25 , PG.1502
3/28/2012	H	Ought to Pass : MA VV; HJ 30 , PG.1744-1745
3/28/2012	S	Introduced and Referred to Judiciary
4/30/2012	S	Hearing: 5/10/12, Room 101, LOB, 1:35 p.m.; SC18
5/11/2012	S	Committee Report: Inexpedient to Legislate, 5/16/12; SC19A
5/16/2012	S	Inexpedient to Legislate, MA, VV === BILL KILLED ===

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

_____ ORIGINAL REFERRAL

_____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

___ - AMENDMENT # ___ - AMENDMENT # ___
___ - AMENDMENT # ___ - AMENDMENT # ___

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
___ FINAL VERSION ___ AS AMENDED BY THE SENATE

___ OTHER (Anything else deemed important but not listed above, such as amended fiscal notes):

DATE DELIVERED TO SENATE CLERK

6/21/12

Susan Duncan
BY COMMITTEE AIDE