

# Senate Energy and Natural Resources Committee

## *Griffin Roberge 271-2878*

**SB 229-FN-LOCAL**, relative to appraisals of residential property, procedures in eminent domain proceedings, and expenditures from the energy efficiency fund.

**Hearing Date:** February 7, 2017.

**Time Opened:** 9:15 a.m.

**Time Closed:** 9:27 a.m.

**Members of the Committee Present:** Senators Avar, Bradley, Innis, Fuller Clark and Feltes.

**Members of the Committee Absent:** None.

### **Bill Analysis:**

#### **Sponsors:**

Sen. Avar	Sen. Bradley	Sen. Feltes
Sen. Birdsell	Sen. Sanborn	Sen. Ward
Sen. French	Sen. Giuda	Rep. O'Day
Rep. Lewicke	Rep. Seidel	Rep. Carr

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**Who supports the bill:** Senator Bob Giuda (District 2), Senator Kevin Avar (District 12), Senator Dan Feltes (District 15), Senator Ruth Ward (District 8), Senator Harold French (District 7), Senator Regina Birdsell (District 19), Senator Andy Sanborn (District 9)

**Who opposes the bill:** Stefanie Lamb (BIA), Anne Ross (PUC).

**Who is neutral on the bill:** N/A.

### **Summary of testimony presented in support:**

*Senator Kevin Avar*

*Senate District 12*

- Senator Avar thanked Senator Feltes for helping him draft the language to the bill.
- SB 229 would address the appraisals of residential property, the procedures in eminent domain proceedings, and expenditures from the energy efficiency fund.
- Senator Bradley asked how SB 229 differs from HB 1660 from last session. Senator Avar yielded to Senator Feltes.

*Senator Dan Feltes*

*Senate District 15*

- Senator Feltes began by addressing Senator Bradley's question. Senator Feltes said SB 229 differed from HB 1660 in a few respects:
  - SB 229's title says it addresses expenditures from the energy efficiency fund. That statement should not be there. SB 229 does not address it. At the end of the legislative process last session, the energy efficiency fund was part of the bill, but it is not this time. Therefore, the name of the act is inaccurate.
  - On lines 12 through 14, there is an added provision that stipulates that the pipeline company shall provide the owner/owners notice of the right to an appraisal with the cost borne from the pipeline company. That language is meant to inform homeowners that they can make such a request.
  - On line 21, the word "permanently" is there. In HB 1660, the word "temporarily" was there instead. For example, if a bulldozer temporarily goes over one's property for a few days, the property owner is entitled to full reimbursement of the entire property if it is in 250 feet. To Senator Feltes, that will not be a constitutional provision.
  - On lines 28 to 30, an addition was made allowing the owner/owners to seek a declaratory ruling concerning the applicability of this paragraph at any time prior to a fact finding hearing on damages. That is good for the homeowner and the pipeline company.
- With those additions, Senator Feltes and Senator Avarad believe it is a much improved bill.
- Senator Bradley asked a question regarding lines 28 to 30. Senator Bradley asked if any thought had been given to whether those lines would apply to the appraisals or Section VIII regarding temporary housing. It is a piece of evidence that will be weighed. In a declaratory ruling, saying that one piece of evidence is superior over other pieces of evidence gets into a fact finding hearing. Senator Feltes felt that a declaratory hearing should only be limited to Section VII of SB 229.

**Summary of testimony presented in opposition:**

*Stefanie Lamb*

*Vice President, Public Policy*

- Went on record and opposed SB 229 on behalf of the BIA.
- SB 229 is unnecessary given that there are already federal and state processes to deal with eminent domain takings.
- This is an attempt to create difficulties for any pipeline projects within the state.

*Anne Ross*

*General Counsel, Public Utilities Commission (PUC)*

- The PUC takes no position on the bill except with Section IV, on line 6 on page 6: "The committee shall file as an intervenor in Federal Energy Regulatory

Commission proceedings involving the siting of high pressure gas pipelines in order to protect the interest of the state of New Hampshire.”

- The current language requires the SEC to file as an intervenor. Not all pipelines file with the PUC. They are a local siting body and are funded through application fees. The language forces the PUC to intervene. This can be expensive and usually involves DC counsel and extensive travel.
- Ms. Ross stated the PUC’s hope to return the language to a consideration and not a requirement.

**Neutral Information Presented:** N/A.

**Future Action:** Ought to Pass with Amendment.

GJR

Date Hearing Report completed: February 7, 2017