

*adopted on a
voice vote*

Floor Amendment to HB 648

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to eminent domain by public utilities and establishing a commission to
4 investigate the procedural rights of the landowner when a petition is presented to
5 the public utilities commission by a utility seeking eminent domain, develop a
6 framework for the state to provide use rights to transmission developers on state
7 owned rights-of-way, develop policies to encourage burying such lines where
8 practicable, and establish a structure for payment.
9

10 Amend the bill by replacing all after section 5 with the following:

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12 6 New Section; Commission Established. Amend RSA 371 by inserting after section 16 the
13 following new section:

14 371:16-a Commission Established.

15 I. There is established a commission to investigate the procedural rights of the landowner
16 when a petition is presented to the public utilities commission by a utility seeking eminent domain,
17 develop a framework for the state to provide use rights to transmission developers on state owned
18 rights-of-way, develop policies to encourage burying such lines where practicable, and establish a
19 structure for payment.

20 II. The members of the commission shall be as follows:

21 (a) Three members of the senate, appointed by the president of the senate.

22 (b) Three members of the house of representatives, appointed by the speaker of the
23 house of representatives.

24 (c) The commissioner of the department of transportation, or designee.

25 (d) One commissioner of the public utilities commission, or designee, appointed by the
26 chairperson of the commission.

27 (e) One member of the office of energy and planning, appointed by the governor.

28 III. Legislative members of the commission shall receive mileage at the legislative rate when
29 attending to the duties of the commission.

30 IV. The commission shall investigate the procedures available and potentially available to
31 landowners for obtaining a hearing when their land is the subject of a petition filed with the public
32 utilities commission by a utility seeking to take such property. The commission shall also develop a
33 framework for the state to provide use rights to transmission developers, formulate policies which, in
34 so far as practicable, encourage the burying of transmission lines along state rights-of-way and base

1 payments on a percent of profitability.

2 V. The members of the commission shall elect a chairperson from among the members. The
3 first meeting of the commission shall be called by the first-named senate member. The first meeting
4 of the commission shall be held within 45 days of the effective date of this section. Five members of
5 the commission shall constitute a quorum.

6 VI. The commission shall report its findings and any recommendations for proposed
7 legislation to the president of the senate, the speaker of the house of representatives, the senate
8 clerk, the house clerk, the governor, and the state library on or before November 1, 2012.

9 7 Repeal. RSA 371:16-a, relative to the commission to develop a framework for the state to
10 formulate policies relative to transmission developers, is repealed.

11 8 Effective Date.

12 I. Sections 1 through 5 of this act shall take effect 60 days after its passage.

13 II. Section 7 of this act shall take effect November 1, 2012.

14 III. The remainder of this act shall take effect upon its passage.

2012-0373s

AMENDED ANALYSIS

This bill modifies certain requirements pertaining to the taking of land or property rights by a utility. This bill also establishes a commission to investigate procedures for obtaining a hearing for landowners whose property is being considered for eminent domain, develop a framework to provide use rights to transmission developers on state owned rights-of-way, develop policies to encourage burying such lines where practicable, and establish a structure for payment.