

Sen. Bragdon, Dist. 11

Sen. Forrester, Dist. 2

Sen. Barnes, Dist. 17

Sen. Merrill, Dist. 21

January 25, 2012

2012-0367s

09/01

Floor Amendment to HB 648

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

AN ACT relative to eminent domain petitions by public utilities.

Amend the bill by inserting after section 10 the following new section and renumbering the original section 11 to read as 12:

11 Proceedings to Acquire Property or Rights; Petition. Amend RSA 371:1 to read as follows:

371:1 Petition. Whenever it is necessary, in order to meet the reasonable requirements of service to the public, that any public utility should construct a line, branch line, extension, [or a] pipeline, conduit, line of poles, towers, or wires across the land of another, or should acquire land, land for an electric substation, or flowage, drainage, or other rights for the necessary construction, extension, or improvement of any water power or other works owned or operated by such public utility, and it cannot agree with the owners of such land or rights as to the necessity or the price to be paid therefor, such public utility may petition the public utilities commission for such rights and easements or for permission to take such lands or rights as may be needed for said purposes. No public utility may petition for permission to take private land or property rights for the construction or operation of an electric generating plant ***or an electric transmission project not eligible for regional cost allocation, for either local or regional transmission tariffs, by ISO – New England or its successor regional system operator.***

## AMENDED ANALYSIS

This bill modifies certain requirements pertaining to the taking of land or property rights by a utility. This bill also establishes a committee to investigate procedures for obtaining a hearing by owners of land that may be subject to eminent domain.

This bill also prohibits public utilities from petitioning for permission to take private land or property rights for the construction or operation of an electric generating plant or an electric transmission project that is not eligible for regional cost allocation by ISO – New England or its successor regional system operator.