

HB 347-FN - AS INTRODUCED

2023 SESSION

23-0135

04/05

HOUSE BILL ***347-FN***

AN ACT establishing a superior court land use review docket.

SPONSORS: Rep. Lynn, Rock. 17; Rep. B. Boyd, Hills. 12; Rep. Edwards, Rock. 31; Rep. Leishman, Hills. 33; Rep. McLean, Hills. 15; Rep. Ming, Hills. 35; Rep. Barody, Hills. 39; Rep. Maggiore, Rock. 23; Rep. Alexander Jr., Hills. 29; Rep. Osborne, Rock. 2

COMMITTEE: Judiciary

ANALYSIS

This bill establishes the land use review docket in the superior court.

Explanation: Matter added to current law appears in ***bold italics***.
Matter removed from current law appears ~~[in brackets and struckthrough]~~
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 Twenty Three

AN ACT establishing a superior court land use review docket.

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

1 1 New Section; Superior Court; Land Use Review Docket. Amend RSA 491 by inserting after
2 section 7-a the following new section:

3 491:7-b Land Use Review Docket.

4 I. Without limiting the jurisdiction vested in any court in the state, and subject to the
5 appointment of a presiding justice by the governor with the consent of the executive council as
6 provided in this section, the supreme court may establish by court order not inconsistent with this
7 section, a land use review docket in the superior court which shall have jurisdiction to hear appeals
8 from decisions of local land use boards, including but not limited to decisions of municipal planning
9 boards, zoning boards, historic district commissions, and conservation commissions. The jurisdiction
10 of this docket shall not include appeals of decisions by state agencies.

11 II. The governor with the consent of the executive council may appoint the first presiding
12 justice of the land use review docket, who shall be qualified by reason of such person's knowledge
13 and experience in land use and real property law. The chief justice of the superior court, following
14 the appointment or designation of the initial presiding justice, may designate such additional
15 justices to preside over cases assigned to the land use review docket, as necessary, based upon
16 caseload, disqualification of the presiding justice, or efficient allocation of judicial resources.

17 III. The presiding justice of the land use review docket shall be an associate justice of the
18 superior court and shall be entitled to the compensation and benefits provided to all such justices
19 under applicable law, including, but not limited to, RSA 491-A:1 and RSA 100-C.

20 IV. The workload of the presiding justice of the land use review docket shall be the matters
21 before that docket. The presiding justice may be assigned to any other matter within the jurisdiction
22 of the superior court or sit by designation on any other court in the same manner as any other
23 associate justice of the superior court, as determined to be necessary by the chief justices of the
24 superior and supreme courts.

25 V. Subject to the provisions of this section, all appeals to superior court filed pursuant to
26 RSA 677 and all proceedings for such appeals, shall be assigned to the land use review docket,
27 including motion practice, discovery, injunctive relief, alternative dispute resolution, and hearing on
28 the merits.

29 VI. The court shall hold a structuring conference within 30 days of its receipt of the notice of
30 appeal. At the structuring conference the court shall set a deadline for the filing with the court of
31 the certified record and shall schedule a hearing on the merits to be held within 60 days of receipt of

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1 the certified record. The court shall issue a decision on the merits within 60 days of the hearing.
2 The court may extend any of the deadlines established in this paragraph upon agreement of the
3 parties or for other good cause shown, but if the extension is based upon good cause, the court shall
4 articulate in its order granting the extension the specific facts and circumstances that warrant the
5 extension.

6 2 Effective Date. This act shall take effect January 1, 2024.

**HB 347-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT establishing a superior court land use review docket.

FISCAL IMPACT: ☒ State ☐ County ☐ Local ☐ None

STATE:	Estimated Increase / (Decrease)			
	FY 2023	FY 2024	FY 2025	FY 2026
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	\$260,600	\$496,700	\$501,400
Funding Source:	<input checked="" type="checkbox"/> General <input type="checkbox"/> Education <input type="checkbox"/> Highway <input type="checkbox"/> Other			

METHODOLOGY:

This bill establishes the land use review docket in the superior court. The Judicial Branch assumes an additional Associate Justice would be appointed, and a court monitor and administrative court assistant would be needed to assist with the new land use docket. In addition, a one-time cost of \$17,400 would be necessary for IT and office equipment and supplies. The estimated costs are provided below. The position costs include salary and benefits.

	FY 2024*	FY 2025	FY 2026
Associate Justice	\$161,500	\$324,500	\$326,100
Administrative Court Assistant	\$43,600	\$91,900	\$93,500
Court Monitor	\$38,100	\$80,300	\$81,800
IT and office equipment and supplies	\$17,400	\$0	\$0
TOTAL:	\$260,600	\$496,700	\$501,400

** FY 2024 personnel costs represent 1/2 of the fiscal year.*

This bill does not establish or provide an appropriation for new positions.

AGENCIES CONTACTED:

Judicial Branch