

CHAPTER 274
SB 188-FN – FINAL VERSION

8May2013... 1252h
06/26/13 2061CofC

2013 SESSION

13-0982
06/04

SENATE BILL ***188-FN***

AN ACT relative to municipally-owned utilities.

SPONSORS: Sen. Gilmour, Dist 12; Sen. Rausch, Dist 19; Sen. Carson, Dist 14; Sen. Boutin,
Dist 16; Sen. Lasky, Dist 13; Sen. Soucy, Dist 18; Rep. Rhodes, Hills 30;
Rep. Campbell, Hills 33; Rep. M. O'Brien, Hills 36; Rep. Chandley, Hills 22;
Rep. Graham, Hills 7

COMMITTEE: Energy and Natural Resources

ANALYSIS

This bill defines “municipally-owned utility” for purposes of relocating underground utilities facilities as necessitated by certain highway projects.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to municipally-owned utilities.

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

1 274:1 Transportation; Cost of Retrenching for Relocation of Underground Facilities. Amend
2 RSA 228:22 to read as follows:

3 228:22 Cost of Trenching for Relocation of Underground Utilities. When the commissioner shall
4 determine that a highway reconstruction, relocation, or maintenance project financed in whole or in
5 part by state funds and conducted under department of transportation supervision or control
6 necessitates the relocation of any municipally-owned subterranean utilities facilities, any trenching
7 and backfilling required for such relocation shall be part of the cost of such reconstruction,
8 relocation, or maintenance and shall be provided by the governmental agency which is carrying out
9 such highway work at no cost to the municipally-owned utility, and the governmental agency shall
10 pay the municipality for the book value (original cost less allowable depreciation) at the time the
11 municipally-owned subterranean facility is retired. Provided, however, that if a public utility other
12 than a municipally-owned utility makes use of a relocation trench provided for in this section, said
13 utility shall pay the governmental agency carrying out such work its proportionate share of the cost
14 of such trenching and backfilling. ***For purposes of this section, the term “municipally-owned
15 utility” means any utility that is owned in its entirety, directly or indirectly, by a
16 municipality or by a department, instrumentality, company, or corporation that is owned
17 in its entirety, directly or indirectly, by a municipality. For purposes of this section, the
18 term “municipally-owned subterranean facility” means any subterranean facility that is
19 owned, directly or indirectly, by a municipality or by a department, instrumentality,
20 company, or corporation that is owned, directly or indirectly, by a municipality.***

21 274:2 Effective Date. This act shall take effect upon its passage.

22

23 Approved: July 24, 2013

24 Effective Date: July 24, 2013