

**CHAPTER 89**  
**HB 362 - FINAL VERSION**

11Feb2015... 0183h

2015 SESSION

15-0815  
06/04

HOUSE BILL           **362**

AN ACT               relative to the reliability of the electric grid.

SPONSORS:       Rep. Murotake, Hills 32; Rep. McLean, Hills 15; Rep. Shepardson, Ches 10;  
Rep. Eastman, Hills 28; Rep. Seidel, Hills 28; Rep. Danielson, Hills 7

COMMITTEE:       Science, Technology and Energy

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ANALYSIS

This bill modifies requirements for the removal of hazardous trees. This bill also adds a requirement for electric utility integrated resource plans.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to the reliability of the electric grid.

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

1           89:1 Removal of Hazardous Trees. Amend RSA 231:145 to read as follows:

2           231:145 Removal of Certain Hazardous Trees. Notwithstanding the provisions of other sections  
3 of this subdivision and subject to the provisions of RSA 231:157 and RSA 231:158, the commissioner  
4 of transportation on class I and III highways, and state maintained portions of class II highways,  
5 and the governing bodies of cities and towns and the county commissioners for unorganized places on  
6 class IV, V, and VI highways and town maintained portions of class II highways may declare any  
7 tree, either alive or dead, situated within the limits of highways, roads, or streets to be a public  
8 nuisance by reason of ~~unreasonable~~ danger to the traveling public, spread of tree disease, or the  
9 reliability of equipment installed at or upon utility facilities authorized under RSA 231:160 or  
10 RSA 231:160-a. After such declaration by such authority and notice to the abutting landowner on  
11 whose property such tree is located the said authority shall within a reasonable time remove the  
12 same without compensation or cost to the abutter. However, no such declaration and notice shall be  
13 required when the delay entailed by such declaration and notice would pose an imminent threat to  
14 safety or property, ***including electric transmission and distribution lines***. Nothing in this  
15 subdivision shall be construed to relieve the public utility companies of their accepted responsibility  
16 of tree trimming and tree removal for the protection of their lines, or for the construction of new  
17 lines, or to alter the provisions of RSA 231:150-182 in any manner. The state and municipal  
18 authorities may require of the public utilities owning lines which pass through or near a tree or trees  
19 which are condemned for removal as a public nuisance to assist in their removal at their expense by  
20 either the temporary removal of their lines or by causing to be removed at their expense the top  
21 portion of said tree or trees from a point below their lines.

22           89:2 Cutting Trees. Amend RSA 231:172 to read as follows:

23           231:172 Cutting Trees.

24           I. No licensee shall have the right to cut, prune, or remove any shade or ornamental tree, for  
25 the purpose of erecting or maintaining poles or structures or installing wires or other attachments or  
26 appurtenances thereto, without obtaining the consent of the owner of the land on which such tree  
27 grows. The receipt of a license to erect and maintain such equipment pursuant to RSA 231:160 and  
28 RSA 231:160-a includes consent to cut, prune, or remove shade or ornamental trees growing on land  
29 located within the public right-of-way, ***or which may fall upon the right-of-way***, that pose ~~an~~

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1 ~~unreasonable]~~ a danger to the reliability of equipment installed at or upon licensed utility facilities.  
2 Nothing in this section shall affect the right of the landowner to the cordwood or timber that results  
3 from the activities of a licensee under this subdivision.

4       II. A licensee shall provide notice in writing at least 45 days in advance of any non-  
5 emergency cutting, pruning, or removal of shade or ornamental trees that is scheduled to take place  
6 on a landowner's property. The notice shall, at the option of the licensee, be given in person, or sent  
7 separately by ordinary mail, and not included in or as a part of a utility bill or other regular  
8 communication, to owners of affected land using the name and address that appears on municipal  
9 tax records for the property, or sent separately by electronic mail, and not included in or a part of a  
10 utility bill or other regular communication, if the landowner has established regular electronic mail  
11 communication with the licensee.

12           (a) The notice shall provide the name and contact information of a representative of the  
13 licensee who may be contacted to schedule personal consultation regarding the activities.

14           (b) For the purposes of this section, the owner shall be deemed to have consented to the  
15 activities if he or she fails to affirmatively request personal consultation within 45 days of the  
16 mailing of such notice.

17           (c) If, after personal consultation with the licensee, the owner refuses to consent to the  
18 activities, the selectmen, upon petition, after notice to the owner and licensee, and hearing, shall  
19 determine whether the cutting, pruning, or removal is necessary and, if determined to be necessary,  
20 assess the damage to the owner.

21       III. Upon highways which have been designated scenic roads pursuant to RSA 231:157 and  
22 RSA 231:158, cutting, pruning, or removal shall be further restricted as set forth in those sections or  
23 any local provisions adopted thereunder.

24       IV. Nothing in this section shall be construed to require notice to or consent from the owner  
25 of land in the event that the owner, or a predecessor of the owner, has granted an easement which  
26 provides legal authority for the utility to remove, cut, prune, or trim trees or vegetation on the  
27 owner's land.

28       89:3 Submission of Plans to the Commission. Amend RSA 378:38 to read as follows:

29       378:38 Submission of Plans to the Commission. Pursuant to the policy established under  
30 RSA 378:37, each electric and natural gas utility, under RSA 362:2, shall file a least cost integrated  
31 resource plan with the commission within 2 years of the commission's final order regarding the  
32 utility's prior plan, and in all cases within 5 years of the filing date of the prior plan. Each such plan  
33 shall include, but not be limited to, the following, as applicable:

34           I. A forecast of future demand for the utility's service area.

35           II. An assessment of demand-side energy management programs, including conservation,  
36 efficiency, and load management programs.

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1           III. An assessment of supply options including owned capacity, market procurements,  
2 renewable energy, and distributed energy resources.

3           IV. An assessment of distribution and transmission requirements, including an assessment  
4 of the benefits and costs of “smart grid” technologies, ***and the institution or extension of electric***  
5 ***utility programs designed to ensure a more reliable and resilient grid to prevent or***  
6 ***minimize power outages, including but not limited to, infrastructure automation and***  
7 ***technologies.***

8           V. An assessment of plan integration and impact on state compliance with the Clean Air Act  
9 of 1990, as amended, and other environmental laws that may impact a utility’s assets or customers.

10          VI. An assessment of the plan’s long- and short-term environmental, economic, and energy  
11 price and supply impact on the state.

12          VII. An assessment of plan integration and consistency with the state energy strategy under  
13 RSA 4-E:1.

14          89:4 Effective Date. This act shall take effect 60 days after its passage.

15  
16 Approved: June 5, 2015

17 Effective Date: August 4, 2015