

Bill as  
Introduced

HB 235 - AS INTRODUCED

2013 SESSION

13-0482

10/01

HOUSE BILL

**235**

AN ACT

allowing counties to contract for professional real estate services for the sale or lease of county property.

SPONSORS:

Rep. Jasper, Hills 37; Rep. Spratt, Hills 4

COMMITTEE:

Municipal and County Government

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ANALYSIS

This bill allows the county commissioners to contract for professional real estate services for the sale or lease of county property.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT allowing counties to contract for professional real estate services for the sale or lease of county property.

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

1 1 New Section; County Commissioners; Authority to Contract for Professional Real Estate  
2 Services. Amend RSA 28 by inserting after section 6 the following new section:

3 28:6-a Authority to Contract for Professional Real Estate Services.

4 I. The county commissioners shall be authorized to contract for professional real estate  
5 services for the sale or lease of county property as follows:

6 (a) The commissioners shall publish a request for qualifications for professional real  
7 estate services to be procured. The commissioners shall select licensed real estate professionals who  
8 have demonstrated competence and qualifications to market the sale or lease of government  
9 property.

10 (b) The commissioners shall prepare a description of its procedures for procurement of  
11 professional real estate services. These descriptions shall be distributed to interested professionals  
12 subject to the provisions of this section.

13 (c) The commissioners shall negotiate a contract with the highest qualified firm for  
14 professional real estate services at compensation which the commissioners determine is fair and  
15 reasonable to the county. In making such determination, the commissioners shall take into account  
16 the estimated value, scope, complexity, and professional nature of the services to be rendered.

17 (d) If the commissioners are unable to negotiate a satisfactory contract with the firm  
18 considered to be the most qualified, at a price determined to be fair and reasonable to the county, the  
19 commissioners shall then undertake negotiations with the next most qualified firm in order of  
20 competence and qualifications and continue negotiations until an agreement is reached.

21 II. In this section:

22 (a) "Professional real estate services" means those professional services of licensed real  
23 estate professionals, as well as incidental services that members of the profession and those in their  
24 employ may logically and justifiably perform. These services shall include at a minimum a market  
25 analysis based on the highest and best use of all county property being sold or leased.

26 (b) "Licensed real estate professional" means any individual, firm, partnership,  
27 corporation, association, or other legal entity permitted by law to practice the real estate profession  
28 in this state under RSA 331-A.

29 2 Effective Date. This act shall take effect 60 days after its passage.

# Amendments

Rep. J. Belanger, Hills. 27  
Rep. Jasper, Hills. 37  
January 23, 2013  
2013-0051h  
10/03

Amendment to HB 235

1 Amend the bill by inserting after section 1 the following and renumbering the original section 2 to  
2 read as 3:

3

4 2 Competitive Bidding on Sales and Leases. Amend RSA 28:8-c to read as follows:

5 28:8-c Competitive Bidding on Sales and Leases of Real Property. To transfer a valid interest, a  
6 sale or lease of real property owned by a county shall be made by the county commissioners by  
7 competitive bidding *or in accordance with RSA 28:6-a* and shall be ratified by a majority vote of  
8 the county convention and the executive committee of the county convention.



Amendment to HB 235

1 Amend the bill by replacing section 1 with the following:

2

3 1 New Section; County Commissioners; Authority to Contract for Professional Real Estate  
4 Services. Amend RSA 28 by inserting after section 6 the following new section:

5 28:6-a Authority to Contract for Professional Real Estate Services.

6 I. The county commissioners shall be authorized to contract for professional real estate  
7 services for the sale or lease of county property.

8 II. In this section:

9 (a) "Professional real estate services" means those professional services of licensed real  
10 estate professionals, as well as incidental services that members of the profession and those in their  
11 employ may logically and justifiably perform. These services shall include at a minimum a market  
12 analysis based on the highest and best use of all county property being sold or leased.

13 (b) "Licensed real estate professional" means any individual, firm, partnership,  
14 corporation, association, or other legal entity permitted by law to practice the real estate profession  
15 in this state under RSA 331-A.

# Speakers





# Hearing Minutes

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB235

**BILL TITLE:** allowing counties to contract for professional real estate services for the sale or lease of county property.

**DATE:** January 23, 2013

**LOB ROOM:** 301      **Time Public Hearing Called to Order:** 2:13 pm

**Time Adjourned:** 2:22 pm

(please circle if present)

**Committee Members:** Reps. ~~Porter, Tatros, Hooper, Roberts, Malloy, Carson, Lavender, Enman, S. White, Verschueren, Vail, Stroud, Shackett, Danielson, Coffey, J. Belanger, Lockwood, Bickford, Copeland~~ and Bishop.


**Bill Sponsors:** Rep. Jasper, Hills 37; Rep. Spratt, Hills 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

1. **Rep Shawn Jasper**, Hills 37, Sponsor. Submitted the bill on behalf of County Commissioner. Bill, as submitted has a problem with it and would bring in a short amendment so it complies with another RSA. Rep Jasper will work with Rep Belanger to come up with an amendment for the committee prior to exec date.
2. **Hillsborough County Commissioner Sandra Ziehm**. In favor of the bill. Is not only a county commissioner but a real estate agent so knows the issues. We have a building with about 3,000 square feet of available space to rent or lease that has been empty for about 10 years. Unable to lease this space if we need to have competitive bids.

Respectfully submitted,

  
Rep. Jim Belanger, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

PUBLIC HEARING ON HB235

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**Bill Sponsors:** Rep. Jasper, Hills 37; Rep. Spratt, Hills 4

TESTIMONY

\* Use asterisk if written testimony and/or amendments are submitted.

House Committee on Municipal & County Government  
Public Hearing on Bill # HB 235

Allowing counties to contract for professional real estate services for the sale or lease of county property.

Porter, Marjorie	X	Tatro, Bruce	X	Bélanger, Jim	X
Bickford, David	X	Bishop, Franklin		Carson, Clyde	X
Coffey, James	X	Copeland, Timothy	X	Danielson, David	X
Enman, Larry		Hooper, Dorothy	X	Lavender, Tom	X
Lockwood, Priscilla	X	Malloy, Dennis	X	Roberts, Kris	
Shackett, Jeff	X	Stroud, Kathleen	X	Vail, Suzanne	X
Verschueren, James	X	White, Syndi	X		

Date: 23 January 2013

LOB Room 301

Hearing called to order: 2:13 PM

Hearing Adjourned: 2:22 PM

**Testimony**

\* indicates written testimony or amendment submitted.

1. Rep Shawn Jasper, Hills 37, Sponsor. Submitted the bill on behalf of County Commissioner. Bill, as submitted has a problem with it and would bring in a short amendment so it complies with another RSA. Rep Jasper will work with Rep Belanger to come up with an amendment for the committee prior to exec date.
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# Voting Sheets

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB235

**BILL TITLE:** allowing counties to contract for professional real estate services for the sale or lease of county property.

**DATE:** January 31, 2013

**LOB ROOM:** 301

**Amendments:**

Sponsor: Rep. Bickford OLS Document #: 2013 0052h

Sponsor: Rep. Belanger OLS Document #: 2013 0051h

Sponsor: Rep. OLS Document #:

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Bickford

Seconded by Rep. Coffey

Vote: 0-16 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Belanger

Seconded by Rep. Bickford

Vote: 16-0 (Please attach record of roll call vote.)

**Motions:** OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. Belanger

Seconded by Rep. Bickford

Vote: 16-0 (Please attach record of roll call vote.)

**CONSENT CALENDAR VOTE: YES NO (Please Circle One)**

(Vote to place on Consent Calendar must be unanimous.)

**Statement of Intent:** Refer to Committee Report

Respectfully submitted,

Rep. James P. Belanger, Clerk

HOUSE COMMITTEE ON MUNICIPAL AND COUNTY GOVERNMENT

EXECUTIVE SESSION on HB235

BILL TITLE: allowing counties to contract for professional real estate services for the sale or lease of county property.

DATE:

LOB ROOM: 301

Amendments:

Sponsor: Rep. BICKFORD OLS Document #: 2013-0052 h

Sponsor: Rep. BELANGER OLS Document #: 2013-0051 h

Sponsor: Rep. OLS Document #:

#1 Motions: (OTP) OTP/A, ITL, Retained (Please circle one.) 0052 h

Moved by Rep. BICKFORD

Seconded by Rep. COFFEY

Vote: 0-16 (Please attach record of roll call vote.)

#2 Motions: OTP, OTP/A, ITL, Retained (Please circle one.)

Moved by Rep. BELANGER

Seconded by Rep. BICKFORD

Vote: 16-0 (Please attach record of roll call vote.)

#3  
OTP, (OTP/A), ITL  
MOVED BY BELANGER  
2ND BY BICKFORD  
VOTE

CONSENT CALENDAR VOTE: (YES) NO (Please Circle One)

(Vote to place on Consent Calendar must be unanimous.)

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep. James P. Belanger, Clerk



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/7/2013 3:58:12 PM  
Roll Call Committee Registers  
Report

2013 SESSION

①

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 235 Title: ALLOW COUNTIES TO CONTRACT SVCS

PH Date: 23 Jan 2013

Exec Session Date: 31 Jan 2013

Motion: OTP

Amendment #: 2013 - 0052 h

MEMBER	YEAS	NAYS
Porter, Marjorie A, Chairman		✓
Tatro, Bruce L, V Chairman		✓
Roberts, Kris E		✓
Hooper, Dorothea D		✓
Carson, Clyde J		✓
Enman, Larry S		
Lavender, Tom		✓
Malloy, Dennis J		✓
Vail, Suzanne M		
Verschueren, James		✓
White, Syndi G		
Stroud, Kathleen M		✓
Lockwood, Priscilla P		✓
Belanger, James P, Clerk		✓
Coffey, James E		✓
Copeland, Timothy D		✓
Shackett, Jeffrey S		✓
Bishop, Franklin C		
Bickford, David A		✓
Danielson, David J		✓
<b>TOTAL VOTE:</b>		

0 16





STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/7/2013 3:58:12 PM  
Roll Call Committee Registers  
Report

(2)

2013 SESSION

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HR 235 Title: ALLOW COUNTIES TO CONTRACT SVCS

PH Date: 23 Jan 2013

Exec Session Date: 31 Jan 2013

Motion: OTP

Amendment #: 2013-0051h

MEMBER	YEAS	NAYS
Porter, Marjorie A, Chairman	✓	
Tatro, Bruce L, V Chairman	✓	
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Carson, Clyde J	✓	
Enman, Larry S		
Lavender, Tom	✓	
Malloy, Dennis J	✓	
Vail, Suzanne M		
Verschueren, James	✓	
White, Syndi G		
Stroud, Kathleen M	✓	
Lockwood, Priscilla P	✓	
Belanger, James P, Clerk	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Shackett, Jeffrey S	✓	
Bishop, Franklin C		
Bickford, David A	✓	
Danielson, David J	✓	
<b>TOTAL VOTE:</b>		

16

0



STATE OF NEW HAMPSHIRE  
OFFICE OF THE HOUSE CLERK

1/7/2013 3:58:12 PM  
Roll Call Committee Registers  
Report

2013 SESSION

3

MUNICIPAL AND COUNTY GOVERNMENT

Bill #: HB 235 Title: ALLOW COUNTIES TO CONTRACT SVCS

PH Date: 23 Jan 2013

Exec Session Date: 31 Jan 2013

Motion: OTPA

Amendment #: 2013-~~0051~~h 0051h

MEMBER	YEAS	NAYS
Porter, Marjorie A, Chairman	✓	
Tatro, Bruce L, V Chairman	✓	
Roberts, Kris E	✓	
Hooper, Dorothea D	✓	
Carson, Clyde J	✓	
Enman, Larry S		
Lavender, Tom	✓	
Malloy, Dennis J	✓	
Vail, Suzanne M		
Verschueren, James	✓	
White, Syndi G		
Stroud, Kathleen M	✓	
Lockwood, Priscilla P	✓	
Belanger, James P, Clerk	✓	
Coffey, James E	✓	
Copeland, Timothy D	✓	
Shackett, Jeffrey S	✓	
Bishop, Franklin C		
Bickford, David A	✓	
Danielson, David J	✓	
<b>TOTAL VOTE:</b>		

16

0

# Committee Report

**CONSENT CALENDAR**

**January 31, 2013**

**HOUSE OF REPRESENTATIVES**

**REPORT OF COMMITTEE**

The Committee on MUNICIPAL AND COUNTY

GOVERNMENT to which was referred HB235,

AN ACT allowing counties to contract for professional real estate services for the sale or lease of county property. Having considered the same, report the same with the following amendment, and the recommendation that the bill OUGHT TO PASS WITH AMENDMENT.

**Rep. James P Belanger**

**FOR THE COMMITTEE**

Original: House Clerk

Cc: Committee Bill File

## COMMITTEE REPORT

Committee:	<b>MUNICIPAL AND COUNTY GOVERNMENT</b>
Bill Number:	<b>HB235</b>
Title:	<b>allowing counties to contract for professional real estate services for the sale or lease of county property.</b>
Date:	<b>January 31, 2013</b>
Consent Calendar:	<b>YES</b>
Recommendation:	<b>OUGHT TO PASS WITH AMENDMENT</b>

### STATEMENT OF INTENT

This bill allows any county to procure the services of a professional real estate agent to market county property for sale or lease without getting competitive bids. It is simply not practical to get multiple real estate agents to bid on marketing property and it is not practical to request competitive bids on the leasing of property. To expect multiple potential tenants for leasing space is unlikely. When a lease price is advertised and a tenant accepts the county should be able to lease at that amount without bids.

Vote 16-0.

Rep. James P Belanger  
FOR THE COMMITTEE

Original: House Clerk  
Cc: Committee Bill File

**CONSENT CALENDAR**

**MUNICIPAL AND COUNTY GOVERNMENT**

**HB235**, allowing counties to contract for professional real estate services for the sale or lease of county property. **OUGHT TO PASS WITH AMENDMENT.**

Rep. James P Belanger for **MUNICIPAL AND COUNTY GOVERNMENT**. This bill allows any county to procure the services of a professional real estate agent to market county property for sale or lease without getting competitive bids. It is simply not practical to get multiple real estate agents to bid on marketing property and it is not practical to request competitive bids on the leasing of property. To expect multiple potential tenants for leasing space is unlikely. When a lease price is advertised and a tenant accepts the county should be able to lease at that amount without bids.

**Vote 16-0.**

COMMITTEE REPORT

COMMITTEE: MCCG

BILL NUMBER: HB 235

TITLE: ALLOW COUNTIES TO CONTRACT FOR REAL ESTATE SERVICES

DATE: 31 Jan 2013 CONSENT CALENDAR: YES  NO

- OUGHT TO PASS
- OUGHT TO PASS W/ AMENDMENT
- INEXPEDIENT TO LEGISLATE
- INTERIM STUDY (Available only 2<sup>nd</sup> year of biennium)

Amendment No. _____
------------------------

STATEMENT OF INTENT:

THIS BILL ALLOWS ANY COUNTY TO PROCURE THE SERVICES OF A PROFESSIONAL REAL ESTATE AGENT TO MARKET COUNTY PROPERTY FOR SALE OR LEASE WITHOUT GETTING COMPETITIVE BIDS. IT IS SIMPLY NOT PRACTICAL TO GET MULTIPLE REAL ESTATE AGENTS TO BID ON MARKETING PROPERTY AND IT IS NOT PRACTICAL TO REQUEST COMPETITIVE BIDS ON THE LEASING OF PROPERTY. TO EXPECT MULTIPLE POTENTIAL TENANTS FOR LEASING SPACE IS UNLIKELY. WHEN A LEASE PRICE IS ADVERTISED AND A TENANT ACCEPTS THE COUNTY SHOULD BE ABLE TO LEASE AT THAT AMOUNT WITHOUT BIDS.

COMMITTEE VOTE: 16-0

RESPECTFULLY SUBMITTED,

- |   |
|---|
| <ul style="list-style-type: none"> <li>• Copy to Committee Bill File</li> <li>• Use Another Report for Minority Report</li> </ul> |
|---|

Rep. Jim Bolger  
For the Committee

*[Signature]*