

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

ANALYSIS

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

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

HB 235 - AS AMENDED BY THE HOUSE

13Feb2013... 0051h

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

HB 235 - AS AMENDED BY THE HOUSE

- Page 2 -

1 28:8-c Competitive Bidding on Sales and Leases of Real Property. To transfer a valid interest, a
2 sale or lease of real property owned by a county shall be made by the county commissioners by
3 competitive bidding *or in accordance with RSA 28:6-a* and shall be ratified by a majority vote of
4 the county convention and the executive committee of the county convention.

5 3 Effective Date. This act shall take effect 60 days after its passage.

CHAPTER 119
HB 235 - FINAL VERSION

13Feb2013... 0051h
03/21/13 0895s

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CHAPTER 119
HB 235 - FINAL VERSION

13Feb2013... 0051h
03/21/13 0895s

13-0482
10/01

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:

1 119:1 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:

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1 119:2 Competitive Bidding on Sales and Leases. Amend RSA 28:8-c to read as follows:

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3 sale or lease of real property owned by a county shall be made by the county commissioners by
4 competitive bidding *or in accordance with RSA 28:6-a* and shall be ratified by a majority vote of
5 the county convention and the executive committee of the county convention.

6 119:3 Effective Date. This act shall take effect 60 days after its passage.

7

8 Approved: June 25, 2013

9 Effective Date: August 24, 2013

Amendments

Sen. Boutin, Dist. 16
March 12, 2013
2013-0854s
10/03

Amendment to HB 235

1 Amend RSA 28:6-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

2

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

Amendment to HB 235

1 Amend RSA 28:6-a, I(a) as inserted by section 1 of the bill by replacing it with the following:

2

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

Committee Minutes

ATTENDANCE

**SENATE CALENDAR NOTICE
PUBLIC AND MUNICIPAL AFFAIRS**

- Senator David Boutin Chairman
- Senator Jeanie Forrester V Chairman
- Senator Bette Lasky
- Senator David Pierce
- Senator Nancy Stiles

START: 9:30 (3)
STOP: 9:33

For Use by Senate Clerk's Office ONLY

Bill Status

Docket

Calendar

Proof: Calendar Bill Status

Date: March 4, 2013

HEARINGS

Wednesday

3/13/2013

PUBLIC AND MUNICIPAL AFFAIRS

LOB 102

9:00 AM

(Name of Committee)

(Place)

(Time)

EXECUTIVE SESSION MAY FOLLOW

- 9:00 AM SB198 relative to the authority of county correctional officers.
- 9:15 AM HB208 relative to annual reports of county officers.
- 9:30 AM HB235 allowing counties to contract for professional real estate services for the sale or lease of county property.
- 9:50 AM HB309 relative to filing for office.
- 10:10 AM HB347 authorizing cottage housing development as an innovative land use control.

Sponsors:

SB198

Sen. Jeanie Forrester
Rep. Gene Chandler

Sen. Sharon Carson
Rep. James MacKay

Sen. David Boutin

Rep. Stephen Shurtleff

HB208

Rep. Candace Bouchard

Rep. Neal Kurk

HB235

Rep. Shawn Jasper

Rep. Stephen Spratt

HB309

Rep. Dennis Fields

HB347

Rep. Stephen Shurtleff

Rep. Janet Wall

PUBLIC AND MUNICIPAL AFFAIRS COMMITTEE

Hearing Report

Deb Martone, Legislative Aide

HB 235 -- *An Act allowing counties to contract for professional real estate services for the sale or lease of county property.*

Hearing Date: March 13, 2013

Time Opened: 9:30 am

Time Closed: 9:33 am

Members of the Committee Present: Senators Boutin, Forrester, Stiles, Lasky and Pierce.

Bill Analysis: Allows the county commissioners to contract for professional real estate services for the sale or lease of county property.

Sponsors: Representatives Jasper and Spratt.

Who supports the bill: Lynne Merrill, The Merrill Bartlett Group, Kingston.

Summary of testimony presented in support:

Lynne Merrill, Broker/Owner, Merrill Bartlett Group; Member, NH Association of REALTORS:

- Realtors have assisted state government in selling surplus property for many years. They can provide the expertise needed to insure county government sells its property in a timely manner, and at a fair, market-based price.
- Senator Boutin addressed Amendment #2013-0854s, which clarifies that county commissioners shall select licensed real estate professionals who have demonstrated competence and qualifications to market the sale or lease of *real* property, as opposed to specific *government* property. Ms. Merrill supported the change.

Action: The committee voted unanimously to pass HB 235 as amended.

dam

Date hearing report completed: March 13, 2013

Speakers

Committee Report

STATE OF NEW HAMPSHIRE
SENATE
REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Date: March 14, 2013

THE COMMITTEE ON Public and Municipal Affairs

to which was referred House Bill 235

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

Having considered the same, the committee recommends that the Bill:

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 0895s

CONSENT CALENDAR VOTE: 5-0

Senator Jeanie Forrester for the Committee

This bill allows county commissioners to contract for licensed real estate professionals when selling or leasing county property. The original language was amended to select licensed professionals who have demonstrated competence and qualifications to market the sale or lease of real property.

Debra Martone 271-3092

New Hampshire General Court - Bill Status System

Docket of HB235

Docket Abbreviations

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

Official Docket of HB235:

Date	Body	Description
1/3/2013	H	Introduced 1/3/2013 and Referred to Municipal and County Government; HJ 12 , PG.188
1/16/2013	H	Public Hearing: 1/23/2013 2:15 PM LOB 301
1/23/2013	H	==CANCELLED== Executive Session: 1/30/2013 10:00 AM LOB 301
1/31/2013	H	Executive Session: 1/31/2013 11:15 AM LOB 301
1/31/2013	H	Committee Report: Ought to Pass with Amendment #0051h for Feb 13 (Vote 16-0; CC); HC 13 , PG.210
1/31/2013	H	Proposed Committee Amendment #2013-0051h; HC 13 , PG.233
2/13/2013	H	Amendment #0051h: AA VV; HJ 17 , PG.332
2/13/2013	H	Ought to Pass with Amendment #0051h: MA VV; HJ 17 , PG.332
2/14/2013	S	Introduced and Referred to Public & Municipal Affairs
3/4/2013	S	Hearing: 3/13/13, Room 102, LOB, 9:30 a.m.; SC11
3/14/2013	S	Committee Report: Ought to Pass with Amendment #2013-0895s , 3/21/13; Vote 5-0; CC; SC12
3/21/2013	S	Committee Amendment 0895s, AA, VV;
3/21/2013	S	Ought to Pass with Amendment 0895s, MA, VV; OT3rdg;
5/22/2013	H	House Concurs with Senate AM #0895s (Rep Porter): MA VV; HJ43 , PG.1464
5/30/2013	S	Enrolled
5/30/2013	H	Enrolled, Recess of 5/29/13; HJ45 , PG.1527
6/27/2013	H	Signed By Governor 06/25/2013; Effective 08/24/2013; Chapter 0119

NH House

NH Senate

Other Referrals

COMMITTEE REPORT FILE INVENTORY

HB 235 ORIGINAL REFERRAL _____ RE-REFERRAL

1. THIS INVENTORY IS TO BE SIGNED AND DATED BY THE COMMITTEE AIDE AND PLACED INSIDE THE FOLDER AS THE FIRST ITEM IN THE COMMITTEE FILE.
2. PLACE ALL DOCUMENTS IN THE FOLDER FOLLOWING THE INVENTORY IN THE ORDER LISTED.
3. THE DOCUMENTS WHICH HAVE AN "X" BESIDE THEM ARE CONFIRMED AS BEING IN THE FOLDER.
4. THE COMPLETED FILE IS THEN DELIVERED TO THE CALENDAR CLERK.

DOCKET (Submit only the latest docket found in Bill Status)

COMMITTEE REPORT

CALENDAR NOTICE

HEARING REPORT

HANDOUTS FROM THE PUBLIC HEARING

PREPARED TESTIMONY AND OTHER SUBMISSIONS

SIGN-UP SHEET(S)

ALL AMENDMENTS (passed or not) CONSIDERED BY COMMITTEE:

- AMENDMENT # 08545 - AMENDMENT # 08955
 - AMENDMENT # _____ - AMENDMENT # _____

ALL AVAILABLE VERSIONS OF THE BILL:

AS INTRODUCED AS AMENDED BY THE HOUSE
 FINAL VERSION AS AMENDED BY THE SENATE

OTHER (Anything else deemed important but not listed above, such as amended fiscal notes): _____

DATE DELIVERED TO SENATE CLERK

07/26/13

Debra A. Martore
BY COMMITTEE AIDE