

LEGISLATIVE COMMITTEE MINUTES

# **SB211**

Bill as  
Introduced

SB 211 - AS INTRODUCED

2019 SESSION

19-0999

06/10

SENATE BILL        **211**

AN ACT            exempting the department of transportation from certain reporting requirements.

SPONSORS:        Sen. Watters, Dist 4; Rep. Towne, Straf. 4

COMMITTEE:      Executive Departments and Administration

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ANALYSIS

This bill exempts the department of transportation from certain real estate reporting requirements when such reporting would be duplicative.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                    exempting the department of transportation from certain reporting requirements.

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

1            1 Acquisition and Disposal of Real Estate; Property Owned or Leased by State Agency;  
2 Reporting. Amend RSA 4:39-e, I to read as follows:

3            I. On or before July 1, 2013, and biennially thereafter, each state agency, as defined in RSA  
4 21-G:5, III, shall make a report identifying all real property owned or leased by the agency. For  
5 each parcel owned by the agency, the report shall include any reversion provisions, conservation or  
6 other easements, lease arrangements with third parties, and any other agreement that may affect  
7 the future sale of the property. For each parcel leased by the agency, the report shall include the  
8 lease term. ***In order to avoid duplicative reporting, the department of transportation is***  
9 ***exempt from the reporting requirements of this section.***

10           2 Effective Date. This act shall take effect 60 days after its passage.

SB 211 - AS AMENDED BY THE SENATE

03/27/2019 1192s

2019 SESSION

19-0999

06/10

SENATE BILL

**211**

AN ACT

relative to reporting requirements for state agencies owning real property.

SPONSORS:

Sen. Watters, Dist 4; Rep. Towne, Straf. 4

COMMITTEE:

Executive Departments and Administration

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AMENDED ANALYSIS

This bill requires state agencies that own real property to include certain encumbrances in their biennial report to the commissioner of the department of administrative services.

The bill also requires the commissioner of the department of administrative services to compile and file a consolidated set of agency reports.

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Explanation:

Matter added to current law appears in ***bold italics***.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to reporting requirements for state agencies owning real property.

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

1 1 Disposition of Property; Real Property Owned by State Agencies; Reporting Requirement.

2 RSA 4:39-e is repealed and reenacted to read as follows:

3 4:39-e Real Property Owned by State Agencies; Reporting Requirement.

4 I. On or before July 1, 2013, and biennially thereafter, each state agency, as defined in RSA  
5 21-G:5, III, shall make a report identifying all real property owned by the agency. For each parcel of  
6 land owned by the agency, the report shall include any reversionary provisions or other deed  
7 restrictions, conservation or other easements, lease arrangements with third-party tenants, and any  
8 other agreement or encumbrance that may affect the future sale of the property, but only to the  
9 extent known by the agency or as may be determined through reasonable efforts. For each building  
10 or parcel of land leased to a third party by the agency, the report shall include the lease term. This  
11 section shall not apply to infrastructure properties used as the public rights of way for roads,  
12 highways, bridges, railroads, rail trails, rest areas, park and rides, or turnpike toll operations.

13 II. Each state agency shall file the report with the commissioner of the department of  
14 administrative services. The commissioner of the department of administrative services shall  
15 compile the reports from each agency and file a consolidated set of agency reports with the governor,  
16 the senate president, the speaker of the house of representatives, the chairperson of the senate  
17 capital budget committee, the chairperson of the house public works and highways committee, and  
18 the chairperson of the long range capital planning and utilization committee established in RSA 17-  
19 M:1.

20 III. The commissioner of the department of administrative services shall develop a standard  
21 format for agencies to use in submitting the report required under this section. The form of the  
22 report shall not be considered a rule subject to the provisions of RSA 541-A.

23 2 Effective Date. This act shall take effect 60 days after its passage.

SB 211 - FINAL VERSION

03/27/2019 1192s

2019 SESSION

19-0999

06/10

SENATE BILL **211**

AN ACT relative to reporting requirements for state agencies owning real property.

SPONSORS: Sen. Watters, Dist 4; Rep. Towne, Straf. 4

COMMITTEE: Executive Departments and Administration

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AMENDED ANALYSIS

This bill requires state agencies that own real property to include certain encumbrances in their biennial report to the commissioner of the department of administrative services.

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## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to reporting requirements for state agencies owning real property.

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

1       1 Disposition of Property; Real Property Owned by State Agencies; Reporting Requirement.

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9       extent known by the agency or as may be determined through reasonable efforts. For each building  
10      or parcel of land leased to a third party by the agency, the report shall include the lease term. This  
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13           II. Each state agency shall file the report with the commissioner of the department of  
14      administrative services. The commissioner of the department of administrative services shall  
15      compile the reports from each agency and file a consolidated set of agency reports with the governor,  
16      the senate president, the speaker of the house of representatives, the chairperson of the senate  
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22      report shall not be considered a rule subject to the provisions of RSA 541-A.

23       2 Effective Date. This act shall take effect 60 days after its passage.



CHAPTER 91  
SB 211 - FINAL VERSION

03/27/2019 1192s

2019 SESSION

19-0999  
06/10

SENATE BILL        **211**

AN ACT            relative to reporting requirements for state agencies owning real property.

SPONSORS:        Sen. Watters, Dist 4; Rep. Towne, Straf. 4

COMMITTEE:       Executive Departments and Administration

---

AMENDED ANALYSIS

This bill requires state agencies that own real property to include certain encumbrances in their biennial report to the commissioner of the department of administrative services.

The bill also requires the commissioner of the department of administrative services to compile and file a consolidated set of agency reports.

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

CHAPTER 91  
SB 211 - FINAL VERSION

03/27/2019 1192s

19-0999  
06/10

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to reporting requirements for state agencies owning real property.

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

1 91:1 Disposition of Property; Real Property Owned by State Agencies; Reporting Requirement.

2 RSA 4:39-e is repealed and reenacted to read as follows:

3 4:39-e Real Property Owned by State Agencies; Reporting Requirement.

4 I. On or before July 1, 2013, and biennially thereafter, each state agency, as defined in RSA  
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6 land owned by the agency, the report shall include any reversionary provisions or other deed  
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20 III. The commissioner of the department of administrative services shall develop a standard  
21 format for agencies to use in submitting the report required under this section. The form of the  
22 report shall not be considered a rule subject to the provisions of RSA 541-A.

91:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 18, 2019  
Effective Date: August 17, 2019

# Amendments

Amendment to SB 211

1 Amend the title of the bill by replacing it with the following:

2

3 AN ACT relative to reporting requirements for state agencies owning real property.

4

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

6

7 1 Disposition of Property; Real Property Owned by State Agencies; Reporting Requirement.

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24 committee, and the chairperson of the long range capital planning and utilization committee  
25 established in RSA 17-M:1.

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27 format for agencies to use in submitting the report required under this section. The form of the  
28 report shall not be considered a rule subject to the provisions of RSA 541-A.

2019-0986s

AMENDED ANALYSIS

This bill requires state agencies that own real property to include certain encumbrances in their biennial report to the commissioner of the department of administrative services.

The bill also requires the commissioner of the department of administrative services to compile and file a consolidated set of agency reports.

UNAPPROVED

Amendment to SB 211

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**Amendment to SB 211**

**- Page 2 -**

2019-1192s

**AMENDED ANALYSIS**

This bill requires state agencies that own real property to include certain encumbrances in their biennial report to the commissioner of the department of administrative services.

The bill also requires the commissioner of the department of administrative services to compile and file a consolidated set of agency reports.

# Committee Minutes



**AMENDED TIME CHANGE  
SENATE CALENDAR NOTICE  
Executive Departments and Administration**

Sen Sharon Carson, Chair  
Sen Kevin Cavanaugh, Vice Chair  
Sen Cindy Rosenwald, Member  
Sen Shannon Chandley, Member  
Sen John Reagan, Member

Date: February 12, 2019

**HEARINGS**

	Wednesday	02/13/2019
	(Day)	(Date)
Executive Departments and Administration		9:00 a.m.
(Name of Committee)		(Time)
11:00 a.m. <b>SB 174</b>	proclaiming an annual observance of Juneteenth.	
11:15 a.m. <b>SB 209</b>	establishing a commission to create a New Hampshire recovery memorial.	
11:30 a.m. <b>SB 210</b>	relative to emergency medical and trauma services.	
11:45 a.m. <b>SB 211</b>	exempting the department of transportation from certain reporting requirements.	
12:00 p.m. <b>SB 308-FN-A</b>	relative to the health care workforce and making appropriations therefor.	

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

<b>SB 174</b>			
Sen. Levesque	Sen. Fuller Clark	Sen. Hennessey	Sen. Kahn
Sen. Soucy	Sen. Watters	Rep. Long	Rep. Komi
Rep. Harriott-Gathright	Rep. DiLorenzo		
<b>SB 209</b>			
Sen. Watters	Sen. Gray	Sen. Hennessey	Sen. Kahn
Rep. Cloutier	Rep. Amanda Bouldin	Rep. Long	Rep. Martin
<b>SB 210</b>			
Sen. Watters	Sen. Birdsell	Rep. Sykes	Rep. Goley
Rep. Knirk	Rep. McMahon		
<b>SB 211</b>			
Sen. Watters	Rep. Towne		
<b>SB 308-FN-A</b>			
Sen. Rosenwald	Sen. Bradley	Sen. Sherman	Sen. Hennessey
Sen. Cavanaugh	Sen. Feltes	Sen. Fuller Clark	Sen. Kahn
Sen. Levesque	Sen. Morgan	Sen. Soucy	Sen. Watters
Rep. Nordgren	Rep. Marsh	Rep. Knirk	Rep. Danielson

Jennifer Horgan 271-2609

Sharon M Carson  
Chairman

# Senate Executive Departments and Administration Committee

*Jennifer Horgan 271-2609*

**SB 211**, exempting the department of transportation from certain reporting requirements.

**Hearing Date:** February 13, 2019

**Time Opened:** 11:47 a.m.

**Time Closed:** 11:52 a.m.

**Members of the Committee Present:** Senators Carson, Cavanaugh, Rosenwald, Chandley and Reagan

**Members of the Committee Absent :** None

**Bill Analysis:** This bill exempts the department of transportation from certain real estate reporting requirements when such reporting would be duplicative.

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**Sponsors:**

Sen. Watters

Rep. Towne

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**Who supports the bill:** Senator Watters; Marie Mullen, NHDOT

**Who opposes the bill:** No one

**Summary of testimony presented in support:**

**Senator Watters**

- This is a request from the Department of Transportation.
- The purpose of the bill is to avoid duplicative reporting because they are already reporting these properties annually.
- Senator Reagan asked if the Department of Transportation owns any property.
  - The Department does own and lease property. They already report annually, and this bill will have them reporting a second time under a different statute.
- Senator Carson pointed out that there was an e-mail for Marie Mullen at the DOT, who requested time to draft more appropriate language.

**Maire Mullen (DOT)**

- After further review and discussions, believes better language could be put forward on this.
- Lines 5-7 are where they have concerns.
- The Department has an entire bureau that does title searches and reviews sales of property.

- For the Department to report that on the state level as well, with their hundreds of properties, would be cumbersome.
- Requesting more time to work with Administrative Services on the language in order to address this redundancy.
- Senator Reagan asked why this new reporting requirement was enacted.
  - The original intent was due to another agency was trying to sell property and it was identified that there was a reversion clause on that property. The reversion clause was not known at the time of the sale. This statute was to require all agencies to report on this to prevent that from happening again. The Department already had a process for this but, other agencies did not.

**Summary of testimony presented in opposition:**

None

jch

Date Hearing Report completed: February 14, 2019

# Speakers



# Voting Sheets

# Senate Executive Departments and Administration Committee EXECUTIVE SESSION

Bill # SB211

Hearing date: \_\_\_\_\_

Executive session date: \_\_\_\_\_

Motion of: 0926

VOTE: 5-0

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input checked="" type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input checked="" type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

Motion of: OTPA

VOTE: 5-0

<u>Made by</u> Carson <input type="checkbox"/>	<u>Seconded</u> Carson <input type="checkbox"/>	<u>Reported</u> Carson <input type="checkbox"/>
<u>Senator:</u> Cavanaugh <input type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input checked="" type="checkbox"/>	<u>by Senator:</u> Cavanaugh <input type="checkbox"/>
Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>	Chandley <input type="checkbox"/>
Reagan <input checked="" type="checkbox"/>	Reagan <input type="checkbox"/>	Reagan <input type="checkbox"/>
Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>	Rosenwald <input type="checkbox"/>

*Consent Reagan-Chandley 5-0*

<u>Committee Member</u>	<u>Present</u>	<u>Yes</u>	<u>No</u>	<u>Reported out by</u>
Senator Carson, Chairman	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cavanaugh, Vice-Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Senator Chandley	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Reagan	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Rosenwald	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

\*Amendments: \_\_\_\_\_

Notes: \_\_\_\_\_

# Committee Report



STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, March 20, 2019

THE COMMITTEE ON Executive Departments and Administration

to which was referred **SB 211**

AN ACT

exempting the department of transportation from  
certain reporting requirements.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 5-0

AMENDMENT # 2019-1192s

Senator Kevin Cavanaugh  
For the Committee

As amended, this bill requires state agencies that own real property to include certain encumbrances in their biennial report to the commissioner of the Department of Administrative Services, who will compile and file a consolidated set of these agency reports. The Committee amended the bill to require the Department of Transportation to only report on properties that potentially would be for sale and not for properties such as, rights of way, highways, bridges, rest areas and the like.

Jennifer Horgan 271-2609

FOR THE CONSENT CALENDAR

**EXECUTIVE DEPARTMENTS AND ADMINISTRATION**

**SB 211**, exempting the department of transportation from certain reporting requirements.

Ought to Pass with Amendment, Vote 5-0.

Senator Kevin Cavanaugh for the committee.

As amended, this bill requires state agencies that own real property to include certain encumbrances in their biennial report to the commissioner of the Department of Administrative Services, who will compile and file a consolidated set of these agency reports. The Committee amended the bill to require the Department of Transportation to only report on properties that potentially would be for sale and not for properties such as, rights of way, highways, bridges, rest areas and the like.

**Docket of SB211**

Docket Abbreviations

**Bill Title:** (New Title) relative to reporting requirements for state agencies owning real property.*Official Docket of SB211.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/22/2019	S	<b>Introduced</b> 01/03/2019 and Referred to Executive Departments and Administration; <b>SJ 4</b>
2/6/2019	S	==TIME CHANGE== <b>Hearing:</b> 02/13/2019, Room 101, LOB, 11:45 am; <b>SC 10</b>
3/20/2019	S	Committee Report: Ought to Pass with Amendment <b>#2019-1192s</b> , 03/27/2019; Vote 5-0; CC; <b>SC 15</b>
3/27/2019	S	Committee Amendment <b>#2019-1192s</b> , AA, VV; 03/27/2019; <b>SJ 10</b>
3/27/2019	S	<b>Ought to Pass with Amendment</b> 2019-1192s, MA, VV; OT3rdg; 03/27/2019; <b>SJ 10</b>
4/1/2019	H	Introduced 03/20/2019 and referred to Public Works and Highways <b>HJ 11</b> P. 73
4/17/2019	H	Public Hearing: 05/01/2019 11:00 am LOB 201
4/30/2019	H	Executive Session: 05/15/2019 10:00 am LOB 201
5/15/2019	H	Committee Report: Ought to Pass for 05/23/2019 ( <b>Vote 15-0; CC</b> ) <b>HC 25</b> P. 6
5/23/2019	H	<b>Ought to Pass:</b> MA VV 05/23/2019 <b>HJ 16</b> P. 17
6/12/2019	H	Enrolled 06/06/2019 <b>HJ 18</b> P. 47
6/12/2019	S	Enrolled (In recess 06/06/2019); <b>SJ 20</b>
6/20/2019	S	Signed by the Governor on 06/18/2019; Chapter 0091; Effective 08/17/2019

NH House

NH Senate

# Other Referrals

## Senate Inventory Checklist for Archives

Bill Number: SB 211

Senate Committee: E, D + A

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

Final docket found on Bill Status

### Bill Hearing Documents: {Legislative Aides}

Bill version as it came to the committee

All Calendar Notices

Hearing Sign-up sheet(s)

Prepared testimony, presentations, & other submissions handed in at the public hearing

Hearing Report

Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

### Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

- amendment # 0986       - amendment # 1192

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

Executive Session Sheet

Committee Report

### Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

- amendment # \_\_\_\_\_       - amendment # \_\_\_\_\_

### Post Floor Action: (if applicable) {Clerk's Office}

Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

Enrolled Bill Amendment(s)

Governor's Veto Message

### All available versions of the bill: {Clerk's Office}

as amended by the senate       as amended by the house

final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

\_\_\_\_\_  
Committee Aide

\_\_\_\_\_  
Date

Senate Clerk's Office jm