

LEGISLATIVE COMMITTEE MINUTES

**SB219**

Bill as  
Introduced

SB 219 - AS INTRODUCED

2019 SESSION

19-1002  
06/01

SENATE BILL        **219**

AN ACT            relative to the disposal of highway or turnpike funded real estate.

SPONSORS:        Sen. Watters, Dist 4

COMMITTEE:       Transportation

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ANALYSIS

This bill clarifies that the department of transportation is authorized to exchange property with owners as part of right-of-way negotiations and that such exchanges are exempt from the process for disposal of highway or turnpike funded real estate.

This bill is a request of the department of transportation.

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Explanation:       Matter added to current law appears in *bold italics*.  
                         Matter removed from current law appears [~~in brackets and struckthrough~~]  
                         Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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 relative to the disposal of highway or turnpike funded real estate.

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

1       1 Disposal of Highway or Turnpike Funded Real Estate. Amend RSA 4:39-c, IV to  
2 read as follows:

3           IV. This section shall not apply to the exchange of state-owned lands, *which are under*  
4 *the jurisdiction of the department of transportation*, for other lands of equal or greater value,  
5 [~~which are under the jurisdiction of the department of transportation and used by the department~~]  
6 during right-of-way negotiations, or to the sale of buildings that need to be moved to clear such  
7 rights-of-way for public projects found necessary under other state laws.

8       2 Effective Date. This act shall take effect 60 days after its passage.

SB 219 - FINAL VERSION

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5 ~~[which are under the jurisdiction of the department of transportation and used by the department]~~  
6 during right-of-way negotiations, or to the sale of buildings that need to be moved to clear such  
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CHAPTER 92  
SB 219 - FINAL VERSION

2019 SESSION

19-1002  
06/01

SENATE BILL

**219**

AN ACT relative to the disposal of highway or turnpike funded real estate.

SPONSORS: Sen. Watters, Dist 4

COMMITTEE: Transportation

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

CHAPTER 92  
SB 219 - FINAL VERSION

19-1002  
06/01

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Nineteen*

AN ACT relative to the disposal of highway or turnpike funded real estate.

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

1 92:1 Disposal of Highway or Turnpike Funded Real Estate. Amend RSA 4:39-c, IV to read as  
2 follows:

3 IV. This section shall not apply to the exchange of state-owned lands, *which are under the*  
4 *jurisdiction of the department of transportation*, for other lands of equal or greater value,  
5 ~~[which are under the jurisdiction of the department of transportation and used by the department]~~  
6 during right-of-way negotiations, or to the sale of buildings that need to be moved to clear such  
7 rights-of-way for public projects found necessary under other state laws.

92:2 Effective Date. This act shall take effect 60 days after its passage.

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



# Committee Minutes

**AMENDED TIME CHANGE  
SENATE CALENDAR NOTICE  
Transportation**

Sen David Watters, Chair  
Sen Regina Birdsell, Vice Chair  
Sen Martha Hennessey, Member  
Sen Melanie Levesque, Member  
Sen Ruth Ward, Member

Date: February 20, 2019

**HEARINGS**

Tuesday	03/05/2019	
(Day)	(Date)	
Transportation	LOB 103	1:00 p.m.
(Name of Committee)	(Place)	(Time)
1:00 p.m.	<b>SB 188</b>	relative to shore lights.
1:15 p.m.	<b>SB 218</b>	relative to duties of the commissioner of transportation regarding air navigation facilities.
1:30 p.m.	<b>SB 219</b>	relative to the disposal of highway or turnpike funded real estate.
1:45 p.m.	<b>SB 220</b>	relative to department of transportation access to crash data.

**EXECUTIVE SESSION MAY FOLLOW**

**Sponsors:**

**SB 188**

Sen. Giuda  
Sen. Ward

Sen. Birdsell  
Sen. Watters

Sen. Kahn  
Rep. Gordon

Sen. Starr  
Rep. Viens

**SB 218**

Sen. Watters

**SB 219**

Sen. Watters

**SB 220**

Sen. Watters

Sen. Birdsell

Sonja Caldwell 271-2117

David H Watters  
Chairman

# Senate Transportation Committee

*Sonja Caldwell 271-2117*

**SB 219**, relative to the disposal of highway or turnpike funded real estate.

**Hearing Date:** March 5, 2019

**Members of the Committee Present:** Senators Watters, Birdsell, Hennessey, Levesque and Ward

**Members of the Committee Absent :** None

**Bill Analysis:** This bill clarifies that the department of transportation is authorized to exchange property with owners as part of right-of-way negotiations and that such exchanges are exempt from the process for disposal of highway or turnpike funded real estate.

This bill is a request of the department of transportation.

**Sponsors:**

Sen. Watters

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**Who supports the bill:** Sen. Watters, Steve LaBonte (NHDOT)

**Who opposes the bill:** No one

**Who is neutral on the bill:** No one

**Summary of testimony presented:**

**Sen. Watters** stated that the Department of Transportation already has the authority to exchange state owned lands without having to follow disposal procedures if they are under the jurisdiction of the NHDOT. The bill says that they can also make these kinds of exchanges for other lands that may be privately owned. It gives more flexibility with what lands can be exchanged without having to go through the disposal bid process.

**Steve LaBonte (NHDOT, Bureau of Right of Way)**

- The Bureau often acquires property for highway purposes and manages the property while construction is being done. When the property is no longer needed, the department disposes of it.
- The intent of the bill is to clean up language in RSA 4:39-c because the language is confusing; it seems to imply that this exemption would only occur when NHDOT is exchanging property with itself and that was not the intent of the original legislation. The bill was supposed to make it faster and easier for the NHDOT to deal with local property

owners, so they could negotiate with a landowner impacted by a project. They want to exempt this from the long-range committee to streamline the process; it would still be reviewed by the Governor and Council.

sc

Date Hearing Report completed: March 6, 2019

# Speakers



# Testimony

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB 705

**BILL TITLE:** relative to the disposal of highway or turnpike funded real estate.

**DATE:** March 8, 2007

**LOB ROOM:** 201      **Time Public Hearing Called to Order:** 1:45 p.m.

**Time Adjourned:** 1:55 p.m.

(please circle if present)

**Committee Members:** (Reps. Bouchard, Campbell, Cloutier, Rochette, Verandean, Carole Brown, Cyr, Long, O'Keefe, Sprague, Syynn, Kausch, Chandler, Graham, Gionet, Waterhouse, F. Tilton, Ingram and Wickson.

**Bill Sponsors:** (Reps. Cloutier, Graham, Chandler and Campbell

TESTIMONY

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

1. Favor (F): \* Rep. John Cloutier, Prime Sponsor.

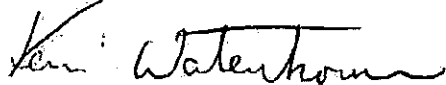
Introduced and spoke in favor of the bill. This bill would make it faster and easier for the Department of Transportation to deal fairly with local property owners. The sponsor testified - he submitted the legislation for the DOT. Written testimony provided.

2. Favor (F): Mr. Edwin Smith, Director of Policy from the Department of Transportation

In testimony, Mr. Smith stated that streamlining the process of selling surplus owned by the DOT under Section 4:39-C failed to allow for property owners who would be better served by trading properties rather than having them declared surplus and then sold independently.

The hearing adjourned at 1:55 p.m.

Respectfully Submitted:



Kevin Waterhouse, Acting Clerk



CHAPTER 100

HB 705 – FINAL VERSION

2007 SESSION

07-0660

06/04

HOUSE BILL **705**

AN ACT relative to the disposal of highway or turnpike funded real estate.

SPONSORS: Rep. Cloutier, Sull 4; Rep. Graham, Hills 18; Rep. Chandler, Carr 1; Rep. Campbell, Hills 24

COMMITTEE: Public Works and Highways

ANALYSIS

This bill exempts the exchange of certain state owned lands for other lands of equal value from the process for disposal of highway or turnpike funded real estate.

This bill is a request of the department of transportation.

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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.

07-0660

06/04

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seven*

AN ACT relative to the disposal of highway or turnpike funded real estate.

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

100:1 New Paragraph; Disposal of Highway or Turnpike Funded Real Estate. Amend RSA 4:39-c by inserting after paragraph III the following new paragraph:

IV. This section shall not apply to the exchange of state-owned lands for other lands of equal or greater value, which are under the jurisdiction of the department of transportation and used by the department during right-of-way negotiations, or to the sale of buildings that need to be moved to clear such rights-of-way for public projects found necessary under other state laws.

100:2 Effective Date. This act shall take effect 60 days after its passage.

Approved: June 11, 2007

Effective: August 10, 2007

# Voting Sheets

# Senate Transportation Committee

## EXECUTIVE SESSION RECORD

2019-2020 Session

Bill # SB219

Hearing date: 3-5-19

Executive Session date: \_\_\_\_\_

Motion of: OTP Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Watters, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Levesque	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: Consent Vote: 5-0

Committee Member	Present	Made by	Second	Yes	No
Sen. Watters, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Levesque	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Motion of: \_\_\_\_\_ Vote: \_\_\_\_\_

Committee Member	Present	Made by	Second	Yes	No
Sen. Watters, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Birdsell, Vice Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Hennessey	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Levesque	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sen. Ward	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Reported out by: Birdsell

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

# Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE  
FOR THE CONSENT CALENDAR

Wednesday, March 6, 2019

THE COMMITTEE ON Transportation

to which was referred **SB 219**

AN ACT

relative to the disposal of highway or turnpike  
funded real estate.

Having considered the same, the committee recommends that the Bill

· OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Regina Birdsell  
For the Committee

The intent of the bill is to clarify confusing language in RSA 4:39-c, IV relative to the disposal of highway or turnpike funded real estate. The bill will make it faster and easier for the Department of Transportation to negotiate with local property owners regarding the exchange of state owned lands during construction projects without having to go through the Long Range Capital Planning and Utilization Committee for approval. The requests will still be reviewed and approved by the Governor and Council.

Sonja Caldwell 271-2117

FOR THE CONSENT CALENDAR

**TRANSPORTATION**

**SB 219**, relative to the disposal of highway or turnpike funded real estate.

Ought to Pass, Vote 5-0.

Senator Regina Birdsell for the committee.

The intent of the bill is to clarify confusing language in RSA 4:39-c, IV relative to the disposal of highway or turnpike funded real estate. The bill will make it faster and easier for the Department of Transportation to negotiate with local property owners regarding the exchange of state owned lands during construction projects without having to go through the Long Range Capital Planning and Utilization Committee for approval. The requests will still be reviewed and approved by the Governor and Council.

**Docket of SB219**

Docket Abbreviations

**Bill Title:** relative to the disposal of highway or turnpike funded real estate.*Official Docket of SB219.:*

<b>Date</b>	<b>Body</b>	<b>Description</b>
1/22/2019	S	<b>Introduced</b> 01/03/2019 and Referred to Transportation; <b>SJ 4</b>
2/11/2019	S	==TIME CHANGE== <b>Hearing:</b> 03/05/2019, Room 103, LOB, 01:30 pm; <b>SC 12</b>
3/6/2019	S	Committee Report: Ought to Pass, 03/14/2019; Vote 5-0; CC <b>SC 13</b>
3/14/2019	S	<b>Ought to Pass:</b> MA, VV; OT3rdg; 03/14/2019; <b>SJ 8</b>
3/21/2019	H	Introduced 03/20/2019 and referred to Public Works and Highways <b>HJ 11</b> P. 70
4/10/2019	H	Public Hearing: 04/17/2019 02:00 pm LOB 201
4/17/2019	H	Executive Session: 04/24/2019 11:30 am LOB 201-203
4/24/2019	H	Committee Report: Ought to Pass for 05/02/2019 (Vote 19-0; CC) <b>HC 22</b> P. 6
5/2/2019	H	<b>Ought to Pass:</b> MA VV 05/02/2019 <b>HJ 14</b> P. 7
5/16/2019	H	Enrolled 05/08/2019 <b>HJ 15</b> P. 101
5/16/2019	S	Enrolled (In recess 05/15/2019); <b>SJ 17</b>
6/20/2019	S	Signed by the Governor on 06/18/2019; Chapter 0092; Effective 08/17/2019

NH House

NH Senate



# Other Referrals

# Senate Inventory Checklist for Archives

Bill Number: SB 219

Senate Committee: Transportation

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

\_\_\_ - 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