

Committee Report

CONSENT CALENDAR

February 24, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Public Works and Highways to which
was referred HB 1032-LOCAL,**

AN ACT relative to the sale of the Lakes Region facility.

Having considered the same, report the same with the

following resolution: RESOLVED, that it is

INEXPEDIENT TO LEGISLATE.

Rep. John Graham

FOR THE COMMITTEE

Original: House Clerk

Cc: Committee Bill File

COMMITTEE REPORT

Committee:	Public Works and Highways
Bill Number:	HB 1032-LOCAL
Title:	relative to the sale of the Lakes Region facility.
Date:	February 24, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

This bill would repeal RSA 10:11 which became law last year as part of HB 2, and gives the Governor and Council the sole authority to sell the Lakes Region Facility. The governor and council have already instructed the Department of Administrative Services (DAS) to begin marketing the property. DAS has begun this process. Additionally the Mayor of Laconia testified that he and the city are satisfied with this process. While there was some sentiment on the committee to reinsert legislative participation in the sale (RSA 4:40) it was determined that the process was too far advanced to take this step. Therefore the committee recommends that this bill be found to be inexpedient to legislate.

Vote 23-0.

Rep. John Graham
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Public Works and Highways

HB 1032-LOCAL, relative to the sale of the Lakes Region facility. **INEXPEDIENT TO LEGISLATE.**

Rep. John Graham for Public Works and Highways. This bill would repeal RSA 10:11 which became law last year as part of HB 2, and gives the Governor and Council the sole authority to sell the Lakes Region Facility. The governor and council have already instructed the Department of Administrative Services (DAS) to begin marketing the property. DAS has begun this process. Additionally the Mayor of Laconia testified that he and the city are satisfied with this process. While there was some sentiment on the committee to reinsert legislative participation in the sale (RSA 4:40) it was determined that the process was too far advanced to take this step. Therefore the committee recommends that this bill be found to be inexpedient to legislate. **Vote 23-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on HB 1032-LOCAL

BILL TITLE: relative to the sale of the Lakes Region facility.

DATE: February 24, 2022

LOB ROOM: 201

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Bordes

Seconded by Rep. B. Boyd

Vote: 23-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep David Milz, Clerk

HOUSE COMMITTEE ON PWA

EXECUTIVE SESSION ON HB 1032

BILL TITLE: LAKE REGION FACILITY SALE

DATE: 2/24/22

LOB ROOM: 201

MOTION: (Please check one box)

- OTP
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. BORDES Seconded by Rep. BOYD Vote: 23-0

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

MOTION: (Please check one box)

- OTP
- OTP/A
- ITL
- Retain (1st year)
- Adoption of Amendment # _____ (if offered)
- Interim Study (2nd year)

Moved by Rep. _____ Seconded by Rep. _____ Vote: _____

CONSENT CALENDAR? Yes _____ No

Minority Report? _____ Yes No If yes, author, Rep.: _____ Motion: _____

Respectfully submitted, Rep. James E. May, Clerk



2022 SESSION

Public Works and Highways

Bill #: 1032 Motion: ITL AM #: _____ Exec Session Date: 2/24/22

<u>Members</u>	<u>YEAS</u>	<u>Nays</u>	<u>NV</u>
Graham, John A. Chairman	23		
McConkey, Mark E. Vice Chairman	1		
Milz, David E. Clerk	2		
Somero, Paul J. KLOSE	3		
Fedolfi, Jim L. FOLSON	4		
Newton, Clifford A. POST	5		
Blasek, Melissa NELSON	6		
Bordes, Mike	7		
Kaczynski, Thomas L. ALEXANDER	8		
Kilanski, Ben M. MACDONALD	9		
Thompson, Dennis J.	10		
Boyd, Bill	11		
Cloutier, John R.	12		
Edgar, Michael A.	13		
Ebel, Karen E.	14		
Jack, Martin L.	15		
Abbott, Michael D.	16		
Faulkner, Barry	17		
Newman, Sue A.	18		
Eaton, Daniel A.	19		
Pedersen, Michael P.	20		



2022 SESSION

Public Works and Highways

Bill #:	Motion:	AM #:	Exec Session Date:
Query, Joshua F.		21	
Bunker, Lisa H.		22	
TOTAL VOTE:		23	0

Public Hearing

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB1032

BILL TITLE: Relative to the sale of the Lakes Region Facility

DATE: 01/13/2022

LOB ROOM: 201

Time Public Hearing Called to Order: 9:30 am

Time Adjourned: 10:55 am

Committee Members: Reps. Graham, McConkey, Somero, Fedolfi, Bordes, Thompson, Cloutier, Edgar, Telerski, Jack, Abbott, Faulkner, S. Newman, Eaton, Pedersen, Query and Bunker

TESTIMONY

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

Rep. Greg Hough, prime sponsor

* Attachment A, legislative history

* Attachment B, RSA 4:40

The so-called "State School" property is located in Laconia. The State School closed some years ago. The property is to be sold. In 2017 the Lakeshore Redevelopment Planning Commission was formed to study the issue and facilitate the sale. Laconia had representation. HB2 (2021) has a section that removed the Commission's authority to dispose of the property. Laconia is concerned with the potential for poor land use. The bill just repeals that section of HB2, putting the status back to the prior language and property disposal process. Rep. Bordes asked if Laconia already had the opportunity to make an offer on the property. The response was yes. Rep. Graham asked if the bill reverts to the LRDC plus the RSA 4:40 process. The response is that the Commission had no authority to dispose of the property, and it would use the established disposal process. Rep. Thompson asked if the city would absorb the cost of the site groundwater study. The witness does not know. Rep. Newman asked if there is a time limit for Laconia to decide what it will do. The response is that there is no time limit.

Mark Doyle, Department of Environmental Services

The witness wanted to comment on the 911 center on the property and will defer his comments to the next bill.

Andrew Hosmer, Mayor of Laconia

When the witness was in the Senate he worked on this issue. There were over 200 acres gifted to the State originally. After being the State School, it was a State Prison. There are numerous buildings in poor condition. Laconia views the site as part of the community and looks forward to rehabilitating it. The City's offer to purchase was rejected. They have good relations with the LRDC. They have done good research on what would be needed to rehabilitate the site. The City successfully lobbied to get involved in the real estate brokerage. They are working with DAS. The witness wants the state to do any environmental remediation. Rep. Bordes asked if the witness is happy with how it is going with the Executive Council. The response is yes, it is not how we would proceed, but it is working. Rep. Faulkner asked if the city would play a role with private development. The response is yes, that zoning and planning go through city committees and they can influence the result. Rep. McConkey asked if a developer came along, what other than the standard town committees would be needed. The response is nothing. Rep. Thompson asked what the State would bear in remediation cost. The response is that there is no reliable estimate, but needed remediation is not as extensive as had been feared.

Respectfully submitted,

Martin L. Jack, Acting Clerk

House Remote Testify

Public Works and Highways Committee Testify List for Bill HB1032 on 2022-01-13

Support: 7 Oppose: 1 Neutral: 0 Total to Testify: 0

Export to Excel

<u>Name</u>	<u>City, State</u> <u>Email Address</u>	<u>Title</u>	<u>Representing</u>	<u>Position</u>	<u>Testifying</u>	<u>Non-Germane</u>	<u>Signed Up</u>
Hough, Gregg	Laconia, NH gregghough2020@gmail.com	An Elected Official	Myself	Support	No	No	1/7/2022 12:57 PM
Littlefield, Richard	Laconia, NH littlefieldr21@gmail.com	An Elected Official	Myself	Support	No	No	1/7/2022 1:59 PM
FELCH, ANTHONY	Laconia, NH councilortony@peoplepc.com	An Elected Official	Myself	Support	No	No	1/7/2022 3:14 PM
Davis, Michelle	Concord, NH mdavis@nhlakes.org	A Lobbyist	NH LAKES	Support	No	No	1/10/2022 12:35 PM
Forgione, Marc	Laconia, NH marcforgioneward4@gmail.com	A Member of the Public	Myself	Support	No	No	1/10/2022 10:20 PM
Bassett, Aaron	Laconia, NH abassett@gmail.com	A Member of the Public	Myself	Support	No	No	1/12/2022 9:28 AM
Schmidt, Jan	Nashua, NH tesha4@gmail.com	An Elected Official	Nashua	Oppose	No	No	1/12/2022 3:55 PM
Cote, Pamela	Gilford, NH pamelacote@earthlink.net	A Member of the Public	Myself	Support	No	No	1/12/2022 8:20 PM

Testimony

A

HB1032

Governor submission

19 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10 the following new section:

10:11 Sale of Lakes Region Facility.

I. In this section, "lakes region facility" means all land, easements, buildings, structures, and appurtenances owned or controlled by the state of New Hampshire in the city of Laconia formerly known as the Laconia State School.

II. Notwithstanding any other provision of law, the governor, with approval of the executive council, shall have the sole authority to sell, convey, lease, rent, exchange, transfer, abandon, or otherwise dispose of any of the property, whether tangible or intangible, at the lakes region facility on such terms and conditions as the governor and executive council deem appropriate and without regard to any other provision of law affecting or restricting the sale, conveyance, lease, rental, exchange, transfer, abandonment or other disposal of state property.

House version

18 Lakeshore Redevelopment Planning Commission; Duties of the Commission. Amend RSA 10:7, IX to read as follows: IX. Make recommendations for any legislative changes necessary to implement the recommendations by the commission, including the sale of any part of the facility, to the commissioner of the department of administrative services and the long range capital planning and utilization committee.

19 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10 the following new section: 10:11 Lakes Region Facility; Sale. Any sale of the land or buildings comprising the lakes region facility shall be subject to the requirements of RSA 4:40. All proceeds from the sale shall be deposited into the general fund.

Final Version as passed

91:19 New Section; Sale of Lakes Region Facility. Amend RSA 10 by inserting after section 10 the following new section:

10:11 Sale of Lakes Region Facility.

I. In this section, "lakes region facility" means all land, easements, buildings, structures, and appurtenances owned or controlled by the state of New Hampshire in the city of Laconia formerly known as the Laconia State School.

II. Notwithstanding any other provision of law, the governor, with approval of the executive council, shall have the sole authority to sell, convey, lease, rent, exchange, transfer, abandon, or otherwise dispose of any of the property, whether tangible or intangible, at the lakes region facility on such terms and conditions as the governor and executive council deem appropriate and without regard to any other provision of law affecting or restricting the sale, conveyance, lease, rental, exchange, transfer, abandonment or other disposal of state property.

91:20 Lakeshore Redevelopment Planning Commission; Definitions; Lakes Region Facility. Amend RSA 10:5, II to read as follows:

II. In this subdivision, "commission" means the lakeshore redevelopment planning commission, and "lakes region facility" means the former Laconia state school land and buildings and training center property, *excluding the separate parcel identified as Ahern State Park, formerly Governor's State Park, which was transferred to the division of parks and recreation in November 1994 and preserved as a state park in perpetuity pursuant to RSA 216-H.*

B
HB1032

TITLE I

THE STATE AND ITS GOVERNMENT

CHAPTER 4

POWERS OF THE GOVERNOR AND COUNCIL IN CERTAIN CASES

Acquisition and Disposal of Real Estate

Section 4:40

4:40 Disposal of Real Estate. –

Disposal of state owned real estate shall occur as follows:

I. Except as provided in RSA 4:39-c, RSA 228:31-b, and RSA 204-D, upon recommendation of the head of any state department having jurisdiction over the same, all requests for the disposal or leasing of state-owned properties shall be reviewed and approved by the long range capital planning and utilization committee, with advice from the council on resources and development, prior to submission to the governor and council for approval. Upon determination that the property is no longer needed by the state, the governor and council shall first offer it to the town, city, or county in which the property is located. If the town, city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real property.

II. [Repealed.]

III. Sales of real property under this section shall be at not less than a current market value of the subject property as may be determined by the governor and council. If the town, city, or county decides to resell the property, it shall first offer the property to the state at the market value at the time of sale.

III-a. All state agencies shall charge an administrative fee for the disposal of real property under this section. The administrative fee shall be at least \$1,100 and shall be subject to the approval of the long range capital planning and utilization committee, except that the committee may waive or approve a fee less than \$1,100 in appropriate circumstances, provided the authority of the committee to waive or lower the fee shall be applied in a fair and consistent manner. The revenue from the administrative fees shall be deposited into the general, highway, turnpike, or fish and game fund, depending on which fund initially purchased the property, except that for disposals of real property by the department of natural and cultural resources the administrative fee shall be deposited into the separate account within the forest improvement fund, as provided in RSA 227-G:5, II(b), for the purchase and improvement of areas suitable for state reservations.

IV. This section shall not apply to sale of institutional lands as provided by RSA 10:4, to real estate given or bequeathed to the state under provisions of trust or in settlement of public assistance claims or liens, or to state lands or their products required to be held to procure a continuance of federal conservation work; provided, however, that the state-capitol-region planning commission shall be

provided written notice 60 days before any sale in the city of Concord or Concord area. This section shall also not apply to the exchange of state-owned lands for other lands of equal or greater value, which are under the jurisdiction of a department and used by such department during right-of-way negotiations or to the sale of buildings that need to be moved to clear such right-of-way for public projects found necessary under other state laws.

V. No state-owned property adjacent to or providing access to a river or river segment shall be recommended for disposal by the council on resources and development except upon the review and recommendation of the advisory committee established in RSA 483:8.

Source. 1931, 105:1. 1935, 140:3. RL 27:34. RSA 4:40. 1982, 42:222. 1983, 428:5. 1986, 224:1. 1987, 381:2. 1988, 250:3, 8. 1990, 233:9. 1991, 116:3; 302:1. 1993, 25:1. 2005, 12:2; 212:4; 291:23, 26. 2006, 98:1; 307:1. 2008, 351:1, eff. Sept. 5, 2008. 2017, 156:14, I, eff. July 1, 2017.

Bill as
Introduced

HB 1032-LOCAL - AS INTRODUCED

2022 SESSION

22-2461

07/04

HOUSE BILL ***1032-LOCAL***

AN ACT relative to the sale of the Lakes Region facility.

SPONSORS: Rep. Hough, Belk. 3

COMMITTEE: Public Works and Highways

ANALYSIS

This bill removes the sole authority to dispose of the property at the lakes region facility from the governor and the executive council, reinstating the authority of the Lakeshore Redevelopment Planning Commission under RSA 10:8.

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.

HB 1032-LOCAL - AS INTRODUCED

22-2461

07/04

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to the sale of the Lakes Region facility.

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

- 1 1 Repeal. RSA 10:11, relative to the sale of the Lakes Region facility, is repealed.
- 2 2 Effective Date. This act shall take effect 60 days after its passage.