

Committee Report

CONSENT CALENDAR

January 12, 2022

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

**The Committee on Public Works and Highways to which
was referred HB 1217-FN,**

**AN ACT relative to agency reporting of state-owned
property. Having considered the same, report the same
with the following resolution: RESOLVED, that it is
INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey

FOR THE COMMITTEE

COMMITTEE REPORT

Committee:	Public Works and Highways
Bill Number:	HB 1217-FN
Title:	relative to agency reporting of state-owned property.
Date:	January 12, 2022
Consent Calendar:	CONSENT
Recommendation:	INEXPEDIENT TO LEGISLATE

STATEMENT OF INTENT

Currently, the state has a robust process for all agencies to report their real estate holdings on a biennial basis. This listing is maintained by the Department of Administrative Services (DAS) and is available to the public on the DAS web site. The bill, as introduced, would add a specific reporting requirement for vacant or abandoned property. Additionally, there would be a requirement for each agency to specify whether or not such property could be conveyed to the community in which it is located. The committee believes that the current reporting requirement is adequate. There are also definitional problems with the terms "vacant" or "abandoned" that would require a re-work of state statutes. Finally, there is an existing process for the disposal of surplus state assets which could potentially be in conflict with the provisions contained in this bill.

Vote 19-0.

Rep. Mark McConkey
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

CONSENT CALENDAR

Public Works and Highways

HB 1217-FN, relative to agency reporting of state-owned property. **INEXPEDIENT TO LEGISLATE.**

Rep. Mark McConkey for Public Works and Highways. Currently, the state has a robust process for all agencies to report their real estate holdings on a biennial basis. This listing is maintained by the Department of Administrative Services (DAS) and is available to the public on the DAS web site. The bill, as introduced, would add a specific reporting requirement for vacant or abandoned property. Additionally, there would be a requirement for each agency to specify whether or not such property could be conveyed to the community in which it is located. The committee believes that the current reporting requirement is adequate. There are also definitional problems with the terms "vacant" or "abandoned" that would require a re-work of state statutes. Finally, there is an existing process for the disposal of surplus state assets which could potentially be in conflict with the provisions contained in this bill. **Vote 19-0.**

Original: House Clerk

Cc: Committee Bill File

Voting Sheets

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on HB 1217-FN

BILL TITLE: relative to agency reporting of state-owned property.

DATE: January 12, 2022

LOB ROOM: 201-203

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. McConkey

Seconded by Rep. Eaton

Vote: 19-0

CONSENT CALENDAR: YES

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep David Milz, Clerk

OFFICE OF THE HOUSE CLERK



1/10/2022 9:08:54 AM
Roll Call Committee Registers
Report

2022 SESSION

Public Works and Highways

Bill #: HB 1217 Motion: ITL AM #: _____ Exec Session Date: 01/12/2022

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



2022 SESSION

Public Works and Highways

Bill #:	Motion:	AM #:	Exec Session Date:
Query, Joshua F.		17	
Bunker, Lisa H.		18	
TOTAL VOTE:			

Public Hearing

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON HB1217

BILL TITLE: Relative to agency reporting of state-owned property

DATE: 01/12/2022

LOB ROOM: 201

Time Public Hearing Called to Order: 1:15 pm

Time Adjourned: 1:35 pm

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

TESTIMONY

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

Rep. Doug Trottier, prime sponsor

The state has no database of vacant and abandoned property. The bill requires each agency with property to report to the Division of Administrative Services and then DAS files a report. He is hopeful this property can be divested more rapidly to improve the tax base. Rep Graham asked why the existing statute is inadequate. The response is that every agency has their own data and it is not collected centrally.

Jared Nyland, Department of Administrative Services

* Attachment A, written testimony

The department opposes the bill. "Vacant and abandoned" is not defined and not an industry standard term. SB359 is more workable. Rep. Graham asked if there is a publicly accessible electronic version of the inventory. The response is yes, DAS maintains a statewide database. Rep. Faulkner asked if there is consistency in determining what is surplus property. The response is that each agency has discretion to determine what is surplus. Rep. Thompson asked why we do not identify abandoned property. The response is that if the legislature wishes, the agency can do it. Rep. Eaton asked if some properties have future use that is not apparent. The response is yes. Rep. Graham noted that it is not appropriate for DAS to speak for agencies. Rep. Cloutier asked if there was an update to the fiscal note. The response is there is nothing further.

Patrick Hackley, Department of Natural and Cultural Resources, Division of Forests and Lands

* Attachment B, written testimony

The bill needs definition of terms for vacant and abandoned. The witness reviewed relevant RSA text. The bill needs to be sensitive to agency specific needs.

Steve Labonte, Department of Transportation, Bureau of Right of Way

The witness explained what his bureau does. He went through counts of parcels that are in various states of marketability. He is not sure DOT could implement this bill in the timeframe specified. The public often contacts DOT to propose buying parcels. Rep. Faulkner asked if the public could identify parcels from tax maps. The response is yes.

Respectfully submitted,

Martin L. Jack, Acting Clerk

House Remote Testify

Public Works and Highways Committee Testify List for Bill HB1217 on 2022-01-12

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

[Export to Excel](#)

Testimony

TESTIMONY OF THE DEPARTMENT OF ADMINISTRATIVE SERVICES

HB 1217 (2022)

A

HB 1217

DAS is OPPOSED to the proposed legislation. HB 1217 depends entirely on two undefined terms that have no consistent established meaning in the real estate industry: "vacant" and "abandoned." The bill also appears to adopt or assume a new underlying policy which presumes that any State real property classified as either "vacant" or "abandoned" ought to be sold or "transferred to the community in which it is located." Such a policy is at odds with the various surplus real property disposal statutes on the books, chief among them RSA 4:40, which only commences the surplus real property disposal process at the discretion of the State agency responsible for the property, and only when the agency determines that it has no further need or use for the property. For most agencies such a determination is usually only made at the time and for the purpose of commencing the statutory surplus real property disposal process.

DAS suggests that SB 359 (currently pending in the Senate), while imperfect as introduced, provides a more workable framework for mandating State agencies to publicly identify any surplus real property assets.



STATE OF NEW HAMPSHIRE
DEPARTMENT of NATURAL and CULTURAL RESOURCES
DIVISION of FORESTS and LANDS

172 PEMBROKE ROAD CONCORD, NEW HAMPSHIRE 03301
PHONE: (603) 271-2214 FAX: (603) 271-6488 WWW.NH.GOV/NHDFL

January 12, 2022

B
HB 1217

The Honorable John Graham, Chairman
New Hampshire House of Representatives
Public Works & Highway Committee
Legislative Office Building, Room 201-203
Concord, NH 03302

Re: HB 1217 – An act relative to agency reporting of state-owned property.

Dear Chairman Graham and Members of the Committee:

Thank you for the opportunity to testify on **HB 1217**, an act relative to the reporting of state-owned property. The Department of Natural and Cultural Resources, Division of Forests and Lands takes *no position* on this bill but offers the following comments.

The Division of Forests and Lands is the state agency charged with the execution of “all matters pertaining to forestry, forest management, and forestlands within the jurisdiction of the state. Our agency manages 218 state reservations (designated as either state forests, parks, natural areas or historic sites) totaling approximately 170,000 acres.

The bill as proposed should provide a definition of the terms “vacant” or “abandoned” - both of which imply a property with no value or particular use to the public. State reservations include both developed state parks and undeveloped state forests that are actively managed or simply held to provide a host of public benefits. The following NH statute provide greater detail as follows:

Under **RSA Chapter 227-H:1 Declaration of Purpose** - It is hereby recognized and declared that state-owned reservations contribute to the conservation of natural resources and distinctive quality of life in the state. The public welfare of this state is served by the prudent acquisition and management of reservations to provide forest benefits and for the purposes of demonstrating sound forestry principles, protecting habitat for plants, animals, and other organisms, conserving forested watersheds, preserving areas of rare and exemplary natural beauty and ecological value, and providing for perpetual public access and use.

The aforementioned “forest benefits” are further defined in RSA 227-G:2:

"Forest benefits" include, but are not limited to, forest products, a viable forest-based economy, recreation opportunities, scenic values, healthful surroundings, climate mitigation, clean water, and biologically diverse populations of plants and animals.

We recommend that the bill language include a definition of the terms "vacant" or "abandoned" to ensure that such terms are not broadly defined without considering the state agency's purpose for holding such property.

Thank you for the opportunity to provide these comments. If I can provide additional information, please don't hesitate to contact me.

Respectfully,



Patrick D. Hackley
Director, NH Division of Forests & Lands

cc: Sarah Stewart, Commissioner, DNCR

Bill as
Introduced

HB 1217-FN - AS INTRODUCED

2022 SESSION

22-2252

11/05

HOUSE BILL ***1217-FN***

AN ACT relative to agency reporting of state-owned property.

SPONSORS: Rep. Trottier, Belk. 6

COMMITTEE: Public Works and Highways

ANALYSIS

This bill requires the department of administrative services to maintain a list of all vacant or abandoned property owned by the state, and to issue biennial reports on the status of such 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 Twenty Two

AN ACT relative to agency reporting of state-owned property.

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

1 1 New Section; Disposition of Real Estate; Vacant or Abandoned Property. Amend RSA 4 by
2 inserting after section 39-f the following new section:

3 4:39-g Vacant or Abandoned Real Estate; Reporting Requirement.

4 I. Notwithstanding any other law to the contrary, the department of administrative services
5 shall maintain a list of all vacant or abandoned property owned by the state. Such list shall include
6 the dates the property was acquired, the length of time the property has been vacant or abandoned,
7 and whether the property could be sold, conveyed, or otherwise transferred to the community in
8 which it is located. Such list shall be made publicly available.

9 II. The commissioner of the department of administrative services, or designee, shall
10 biennially create a report that details why any vacant or abandoned property remains vacant or
11 abandoned and why such property could not be sold. Such report shall be made publicly available on
12 the department's Internet website.

13 2 Effective Date. This act shall take effect 60 days after its passage.

**HB 1217-FN- FISCAL NOTE
AS INTRODUCED**

AN ACT relative to agency reporting of state-owned property.

FISCAL IMPACT: State County Local None

STATE:	Estimated Increase / (Decrease)			
	FY 2022	FY 2023	FY 2024	FY 2025
Appropriation	\$0	\$0	\$0	\$0
Revenue	\$0	\$0	\$0	\$0
Expenditures	\$0	Indeterminable Increase	Indeterminable Increase	Indeterminable Increase
Funding Source:	<input checked="" type="checkbox"/> General Funds	<input type="checkbox"/> Education	<input checked="" type="checkbox"/> Highway	<input checked="" type="checkbox"/> Other - Various

METHODOLOGY:

This bill requires the Department of Administrative Services to maintain a list of all vacant or abandoned property owned by the state, and to issue biennial reports on the status of each property.

The Department of Administrative Services states they do not currently collect the information required by the bill, nor do they have direct access to the information for state real property managed by other state agencies. Therefore, in order to collect and maintain the property information there would be an indeterminable increase on various state expenditures. The Department states it is unable to determine the additional staff hours or additional staff across different agencies that would be needed to meet the required obligations in the bill.

It is assumed the fiscal impact would begin in FY 2023.

AGENCIES CONTACTED:

Department of Administrative Services