REGULAR CALENDAR

May 9, 2023

HOUSE OF REPRESENTATIVES

REPORT OF COMMITTEE

The Committee on Public Works and Highways to which was referred SB 258,

AN ACT relative to the disposal of highway or turnpike funded real estate. Having considered the same, report the same with the following resolution: RESOLVED, that it is INEXPEDIENT TO LEGISLATE.

Rep. David Milz

FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

COMMITTEE REPORT

Committee:	**Public Works and Highways**
Bill Number:	**SB 258**
Title:	**relative to the disposal of highway or turnpike funded real estate.**
Date:	**May 9, 2023**
Consent Calendar:	**REGULAR**
Recommendation:	**INEXPEDIENT TO LEGISLATE**

STATEMENT OF INTENT

The bill as written appeared to be specific to one piece of Department of Transportation (DOT) property that was to be disposed of. It was originally offered to the town of Newington and the town declined to accept the property. The Newington Historical Society expressed an interest in the property, but only at less than fair market value. This bill attempted to change the current process for DOT excess property disposal and raised many concerns regarding the myriad of other regulations and statues that would be affected by this bill.

Vote 13-5.

Rep. David Milz
FOR THE COMMITTEE

Original: House Clerk
Cc: Committee Bill File

REGULAR CALENDAR

Public Works and Highways

SB 258, relative to the disposal of highway or turnpike funded real estate. **INEXPEDIENT TO LEGISLATE.**

Rep. David Milz for Public Works and Highways. The bill as written appeared to be specific to one piece of Department of Transportation (DOT) property that was to be disposed of. It was originally offered to the town of Newington and the town declined to accept the property. The Newington Historical Society expressed an interest in the property, but only at less than fair market value. This bill attempted to change the current process for DOT excess property disposal and raised many concerns regarding the myriad of other regulations and statues that would be affected by this bill. **Vote 13-5.**

Original: House Clerk
Cc: Committee Bill File

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

EXECUTIVE SESSION on SB 258

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

DATE: May 9, 2023

LOB ROOM: 201-203

MOTIONS: INEXPEDIENT TO LEGISLATE

Moved by Rep. Milz Seconded by Rep. Jack Vote: 13-5

CONSENT CALENDAR: NO

Statement of Intent: Refer to Committee Report

Respectfully submitted,

Rep David Milz, Clerk

STATE OF NEW HAMPSHIRE
OFFICE OF THE HOUSE CLERK

1/6/2023 12:37:56 PM
Roll Call Committee Registers Report

2023 SESSION

Public Works and Highways

Bill #: SB258 Motion: ITL AM #: _____ Exec Session Date: 5/9/2023

Members	YEAS	Nays	NV
McConkey, Mark E. Chairman	13		
Cloutier, John R. Vice Chairman	1		
Milz, David E. Clerk	2		
Fedolfi, Jim L.	3		
Newton, Clifford A.	4		
Kaczynski, Thomas L.	5		
Beaudoin, Richard B	6		
Boyd, Bill			—
Melvin, Charles R.	7		
Bogert, Steven T	8		
Connor, James	9		
Jack, Martin L.	10		
Abbott, Michael D.	11		
Edgar, Michael A.	12		
Faulkner, Barry		1	
Newman, Sue A.		2	
~~Eaton, Daniel~~ A. SCHULTZ		3	
Pedersen, Michael P.			—
Vallone, Mark A		4	
Juris, Louis C.		5	
TOTAL VOTE:	13	5	

HOUSE COMMITTEE ON PUBLIC WORKS AND HIGHWAYS

PUBLIC HEARING ON SB 258

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

DATE: **April 13, 2023**

LOB ROOM: **201-203** **Time Public Hearing Called to Order:** **2:15 PM**

Time Adjourned: **3:40 PM**

Committee Members: Reps. McConkey, Cloutier, Milz, Fedolfi, Newton, Melvin, Bogert, Connor, Jack, Abbott, Edgar, Faulkner, S. Newman, Eaton, Pedersen, Juris and R. Beaudoin

Bill Sponsors:

Sen. Perkins Kwoka	**Sen. Watters**	**Sen. Rosenwald**
Sen. Soucy	**Sen. D'Allesandro**	**Sen. Altschiller**
Sen. Fenton	**Rep. Maggiore**	

TESTIMONY

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

Senator Perkins Kwoka - Prime Sponsor

- Presented the bill
- It has been rewritten since last year with input from the DOT
- Took numerous questions from panel as to need for this legislation that only benefits one property
- Discussion took place as to why the town opted not to participate in the transaction
- Questions were asked regarding size of lot, current value, future disposable of property, future valuation, reversion clauses, what are economic benefits as references in the bill

Adam Smith - DOT - Dept. of Right of Way - No position

- Spoke of a myriad of other regulations that would have to be changed and states that the DOT has no position on this bill
- He also answered other questions of a "what if" nature and tried to cover other previous questions that had been unanswered

Ben Frost - NH House Authority - Support

- Would like to see future changes of bill to include affordable housing as a reason to sell property at below market value
- Currently NH Housing has a priority over towns and cities for available excess properties

Lulu Pickering - Newington Historical Society

Jennifer Goodman - NH Preservation Alliance - Executive Director

- Spoke of reasons to change the law because of the needs of other historical properties
- Gave a verbal history of origin of property and its ties to the General Sullivan Bridge
- Gave explanation of why town of Newington no longer wants to participate on
- Spoke of other properties that would benefit from this

William Gilbert - Newington Historical Society

- In favor of bridge
- Spoke of history of depot and his involvement in the process
- Mentioned that Newington no longer wants the property

Respectfully submitted,
Rep. David Milz, Clerk

House Remote Testify

Public Works and Highways Committee Testify List for Bill SB258 on 2023-04-13

Support: 25 Oppose: 6 Neutral: 0 Total to Testify: 0

Export to Excel

Name	City, State Email Address	Title	Representing	Position	Testifying	Non-Germane	Signed Up
Rosenwald, Senator	Nashua, NH cindy.rosenwald@leg.state.nh.us	An Elected Official	SD 13	Support	No	No	4/6/2023 11:21 AM
soucy, donna	manchester, NH donna.soucy@leg.state.nh.us	An Elected Official	SD 18	Support	No	No	4/6/2023 11:29 AM
Smith, Julie	Nashua, NH cantdog@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/8/2023 8:16 AM
Gilbert, William	Newington, NH gilbert@informagen.com	A Member of the Public	Myself	Support	No	No	4/8/2023 2:46 PM
Scharff, Robert and Judith	Newington, NH scharffnh@yahoo.com	A Member of the Public	Myself and my spouse	Support	No	No	4/8/2023 3:38 PM
palmisciano, bessie	newington, NH bess4sahara@icloud.com	A Member of the Public	Myself	Support	No	No	4/8/2023 5:34 PM
Garvin, James	Pembroke, NH james@jamesgarvin.net	A Member of the Public	Myself	Support	No	No	4/9/2023 2:10 PM
Pickering, William	Newington, NH jamiepickering@me.com	A Member of the Public	Myself	Support	No	No	4/9/2023 2:44 PM
Sczupak, Peter	Newington, NH petersczupak@earthlink.net	A Member of the Public	Myself	Support	No	No	4/9/2023 4:27 PM
Beauchain, Brenda	Fremont, NH bbfly728@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/9/2023 7:31 PM
Beauchain, Edward	Fremont, NH ed@forwater.com	A Member of the Public	Myself	Oppose	No	No	4/9/2023 7:40 PM
Poulin, Judith	Newington, NH drudee_03801@yahoo.com	A Member of the Public	Myself	Support	No	No	4/10/2023 8:18 AM
Robinson, Steven	Northwood, NH Nikkiandme@yahoo.com	A Member of the Public	Myself	Oppose	No	No	4/10/2023 10:30 AM

Robinson, Karen	Northwood, NH KarenRobinson578@gmail.com	A Member of the Public	Myself	Oppose	No	No	4/10/2023 10:31 AM
Frink, Helen	South Acworth, NH hfrink@keene.edu	A Member of the Public	Myself	Support	No	No	4/10/2023 11:27 AM
Pickering, Ricky	Newington, NH rickypickering@mac.com	A Member of the Public	Myself	Support	No	No	4/10/2023 11:48 AM
Versailles, Caitlin	Wilmington, MA missv918@gmail.com	A Member of the Public	Myself	Support	No	No	4/10/2023 7:08 PM
Wendell, Jon	Newington, NH blueheroncove@me.com	A Member of the Public	Myself	Support	No	No	4/10/2023 8:06 PM
Pickering, Lulu	Newington, NH lulupickering@outlook.com	A Member of the Public	Myself	Support	No	No	4/11/2023 9:38 AM
Tremblay, RMAC Chair, Michele L.	Penacook, NH MLT@naturesource.net	A Member of the Public	Rivers Management Advisory Committee	Support	No	No	4/11/2023 10:22 AM
Watters, David	Dover, NH david.watters@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/11/2023 3:08 PM
Moody, Katie	Newington, NH ktfmoody@gmail.com	A Member of the Public	Myself	Support	No	No	4/11/2023 5:04 PM
Poulin, Kristen	Newington, NH ksterr721@yahoo.com	A Member of the Public	Myself	Support	No	No	4/11/2023 7:37 PM
Poulin, Steve	Newington, NH Smpoulin21@yahoo.com	A Member of the Public	Myself	Support	No	No	4/11/2023 7:39 PM
Poulin, Steven	Newington, NH smpoulin21@yahoo.com	A Member of the Public	Myself	Support	No	No	4/12/2023 8:06 AM
Hislop, Dave & Marge	Newington, NH dave@khlandsurveying.com	A Member of the Public	Myself	Support	No	No	4/12/2023 1:40 PM
Fenton (SD 10), Senator Donovan	Keene, NH donovan.fenton@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/12/2023 1:48 PM
Hislop, Marge	Newington, NH Margehislop@yahoo.com	A Member of the Public	Myself	Support	No	No	4/12/2023 1:50 PM
Richardson, Daniel	Nashua, NH daniel6_22@comcast.net	A Member of the Public	Myself	Oppose	No	No	4/13/2023 10:48 AM
Goodman, Jennifer	Concord, NH jg@nhpreservation.org	A Member of the Public	NH Preservation Alliance	Support	No	No	4/13/2023 12:43 PM
Altschiller, Senator Debra	SD24, NH kevin.condict@leg.state.nh.us	An Elected Official	Myself	Support	No	No	4/13/2023 3:26 PM

SIGN UP SHEET

To Register Opinion If Not Speaking

Bill #: SB258 Date: 4/13/23

Committee: Public Works & Highways

**** Please Print All Information ****

Name	Address	Phone	Representing	Pro	Con
Lulu Pickering	339 Little Bay Rd Newington	603-436-8158	myself	✓	
Adam Smith	7 Hazen Drive	603-271-6576	Adam Smith	✓	Neutral
William Gilbert	339 Little Bay Rd Newington	603-380-1926	Self	✓	
Jennifer Goodman	7 Eagle Square Concord 03301	603-224-2281	NH Preservation Alliance	✓	

Teresa Picard

I support this bill SB228. There is a vibrant history of public use of the boat ramp and the old dock. These facilities enabled everyone to access our precious waterways for the sport and exploration at our doorstep. Now, our legislators have the opportunity to guarantee that right. I urge this body to approve SB228 which unlocks our tidal waters to all.

Laurie McIntosh

Dear Senator Watters and Members of the House Public Works and Highways Committee,

I am a resident of Dover, NH and have lived here for 30 years. My family has been involved in boating and has enjoyed the beautiful Great Bay Estuary and Piscataway River since I was a child. My parents learned to sail in Great Bay and my father became a boat builder on Dover Point at the McIntosh Boat Yard. My two children both have physical disabilities as a result of cerebral palsy. We have always included them in our boating adventures. Now in their thirties, as full-grown adults, they do not have easy access to the water. When they were younger, the float dock at Hilton Park was the only way we could get them on board our boat. We were able to safely transfer them from the dock to the boat. We were not the only people who took advantage of the dock as we often saw others with mobility limitations including elderly people who used the dock in this way.

Now I see Hilton Park as an underused facility as there is plenty of parking that only a few people use. There is a launching ramp for boats, but only those people who have really good agility can get from the slippery rocks into a boat that has been launched there. When I heard that there was a chance to get the dock replaced, I was very encouraged. A new accessible dock at Hilton Park would provide access to many people who otherwise can only stare out at the water and wish.

Thank you for supporting SB 228 that would begin the process of bringing back the dock at Hilton Park. It will be a great asset for the community.

Laurie McIntosh

SB 258 - AS INTRODUCED

2023 SESSION

23-1014
09/05

SENATE BILL ***258***

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

SPONSORS: Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Rosenwald, Dist 13; Sen. Soucy, Dist 18; Sen. D'Allesandro, Dist 20; Sen. Altschiller, Dist 24; Sen. Fenton, Dist 10; Rep. Maggiore, Rock. 23

COMMITTEE: Transportation

ANALYSIS

This bill creates an exception for the disposal of highway or turnpike funded real estate under fair market value for the preservation of public interest.

- -

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.

23-1014
09/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Three

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 New Paragraph; Powers of the Governor and Council in Certain Cases; Disposal of Highway, Federal, or Turnpike Funded Real Estate; Public Interest Protected. Amend RSA 4:39-c by inserting after paragraph I the following new paragraph:

I-a. When the commissioner shows that an exception is in the overall public interest based on historical, social, environmental, or economic benefits, or is for non-proprietary governmental use, the subject property may be disposed or leased at less than fair market value, as determined by the governor and council. The department will convey such property with the necessary covenants and restrictions to ensure the benefit to the public interest justifiably outweighs any special benefit realized by the party to which the property is being conveyed at less than fair market value.

2 Acquisition and Disposal of Real Estate; Disposal of Highway or Turnpike Funded Real Estate; Commissioner's Exception Allowed. Amend RSA 4:39-c, II to read as follows:

II. ***Except as provided in paragraph I-a,*** sales of real property under this section shall be at not less than 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.

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