

Rep. Layon, Rock. 13
Rep. Slottje, Hills. 13
April 14, 2026
2026-1494h
07/08

Amendment to SB 56

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

2

3 AN ACT relative to consolidating the New Hampshire health and education facilities
4 authority within the business finance authority and establishing a surplus land
5 revitalization program.
6

7 Amend the bill by replacing all after section 19 with the following:

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9 20 Powers Of The Governor And Council In Certain Cases; Acquisition And Disposal Of Real
10 Estate; Disposal of Highway, Federal, or Turnpike Funded Real Estate. Amend the introductory
11 paragraph of RSA 4:39-c to read as follows:

12 ~~[Disposal]~~ ***Except as provided in RSA 204-D, RSA 162-V, and RSA 228:31-b, disposal*** of
13 real estate purchased with state or federal highway funds, or both, or with turnpike funds shall
14 occur as follows:

15 21 Powers Of The Governor And Council In Certain Cases; Acquisition And Disposal Of Real
16 Estate; Disposal of Real Estate. Amend RSA 4:40, I to read as follows:

17 I. Except as provided in RSA 4:39-c, ***RSA 162-V***, RSA 228:31-b, and RSA 204-D, upon
18 recommendation of the head of any state department having jurisdiction over the same, all requests
19 for the disposal or leasing of state-owned properties shall be reviewed and approved by the long
20 range capital planning and utilization committee, with advice from the council on resources and
21 development, prior to submission to the governor and council for approval. Upon determination that
22 the property is no longer needed by the state, the governor and council shall first offer it to the town,
23 city, or county in which the property is located. If the town, city, or county refuses the offer, the
24 governor and council may sell, convey, transfer, or lease the real property.

25 22 New Chapter; Surplus Land Revitalization Program. Amend RSA by inserting after chapter
26 162-U the following new chapter:

27

CHAPTER 162-V

28

SURPLUS LAND REVITALIZATION PROGRAM

29

162-V:1 Definitions. As used in this chapter:

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I. "Authority" means the business finance authority established under RSA 162-A.

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II. "Department" means the department of transportation established under 21-L:2.

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III. "Commissioner" means the commissioner of the department of transportation.

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1 IV. "Committee" means the long range capital planning and utilization committee
2 established under RSA 17-M.

3 V. "State owned property" means real property held by the department of transportation.

4 162-V:2 Transfer of Property. The provisions of RSA 4:40 and 4:39-c notwithstanding, the
5 governor and council may transfer surplus state owned property to the authority for certain uses
6 consistent with the authority's purpose under the following procedure:

7 I. The authority shall petition the department to acquire property the authority determines
8 to be suitable for purposes authorized by RSA 162-A:6, V, VI, VII, VIII, XIV, and XXIII, and such
9 petition shall include a certification of the authority's intention to use the property for such
10 authorized purposes. The petition shall also state whether the authority desires to lease or purchase
11 the property from the department.

12 II. The department shall, in response to such petition, notify the authority in writing
13 whether the department considers the property surplus and whether it agrees with the authority's
14 determination that the property is suitable for use or uses authorized by RSA 162-A:6, V, VI, VII,
15 VIII, XIV, and XXIII. This determination shall be at the department's sole discretion.

16 III. If the department considers the property surplus and suitable for the authority's
17 intended use or uses, the department may decide to lease or sell the property to the authority. Upon
18 making such determination, the department shall include in its written notice any terms and
19 conditions of such transfer, including the price as provided for by RSA 162-V:3.

20 IV. If the department and the authority reach an agreement on the transfer of the property,
21 the department may submit the proposed transfer to the committee for review of whether the
22 property is no longer needed by the state.

23 V. If the committee has already determined that the property is surplus under the processes
24 set forth in RSA 4:39-c or RSA 4:40, then the committee's review shall be limited to whether any
25 circumstances have changed that would affect its original determination. If the committee
26 determines the property is surplus, it shall notify the authority and the department. The
27 department may then request that the governor and council approve the agreement to transfer, and
28 the same shall be effective upon approval.

29 VI. The department may, at any time prior to approval of the governor and council, rescind
30 any agreement with the authority. Nothing herein shall require the department to transfer property
31 to the authority.

32 162-V:3 Compensation. Transfer of property under this chapter shall be for such price and
33 subject to said further terms and conditions as in the opinion of the commissioner, are reasonable
34 and appropriate to effectuate the purposes of this chapter, provided, however, that:

35 I. All proceeds from sales of surplus property owned by the department shall be deposited in
36 the fund from which they originated.

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1 II. Surplus property held by the department which was acquired, in whole or in part, with
2 highway funds shall be transferred to the authority for not less than the minimum compensation
3 required to replenish the highway fund in the amount for which the property was originally
4 acquired.

5 III. Surplus property held by the department which was acquired, in whole or in part, with
6 federal or turnpike funds shall be transferred to the authority for no less than the minimum
7 compensation required by federal law or controlling turnpike revenue bond resolution.

8 162-V:4 Uses of Property So Acquired.

9 I. After acquiring state owned property through the procedure set forth in this chapter, the
10 authority may develop such land and take any actions it deems necessary to further use or uses
11 authorized by RSA 162-A:6, V, VI, VII, VIII, XIV, and XXIII.

12 II. The authority may lease, sell, or otherwise transfer property it acquires under this
13 chapter if the tenant, purchaser, or transferee enters into a written agreement with the authority
14 that the property will be used in a manner authorized by RSA 162-A:6, V, VI, VII, VIII, XIV, and
15 XXIII. If any property so leased, sold, or transferred ceases to be used in such a manner, ownership
16 and/or control of the property shall revert to the authority.

17 III. If the authority seeks to transfer the property to any third party for use or uses not
18 authorized by RSA 162-A:6, V, VI, VII, VIII, XIV, and XXIII, the authority shall first offer to sell the
19 property to the State of New Hampshire for an amount of compensation equal to that which the
20 authority paid to acquire the property under RSA 162-V:3.

21 23 Administration of Transportation Laws; Commissioner, Deputy and Assistant
22 Commissioners; Disposal of Highway or Turnpike Funded Real Estate. Amend RSA 228:31-b, VIII
23 to read as follows:

24 VIII. ~~[A]~~ ***Subject to the specific processes set forth more fully in RSA 4:39-c, RSA***
25 ***4:40, RSA 162-V, and RSA 204-D, all*** requests for disposal of surplus property owned by the
26 department of transportation shall be reviewed and approved by the long range capital planning and
27 utilization committee prior to submission to the governor and council for approval.

28 24 Prospective Repeal. RSA 162-V:2, relative to the transfer of property under the surplus land
29 revitalization program, is repealed.

30 25 Effective Date.

31 I. Section 24 of this act shall take effect July 1, 2031.

32 II. The remainder of this act shall take effect July 1, 2026.

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AMENDED ANALYSIS

This bill:

I. Provides for the consolidation of the New Hampshire health and education facilities authority with and into the New Hampshire business finance authority, including the transfer of all assets, assumption of all debts and obligations, transfer of all employees, and the establishment of the New Hampshire Business finance authority as the successor in interest for all rights and obligations of the New Hampshire health and education facilities authority.

II. Makes changes to provisions of statute governing the business finance authority's issuance of bonds.

III. Establishes a surplus land revitalization program.