

HB 561 - AS INTRODUCED

2025 SESSION

25-0001

02/05

HOUSE BILL **561**

AN ACT relative to the transfer of state-owned real property to municipalities.

SPONSORS: Rep. N. Murphy, Hills. 12; Rep. Rung, Hills. 12; Rep. W. Thomas, Hills. 12; Rep. B. Boyd, Hills. 12; Rep. Mooney, Hills. 12; Rep. M. Aron, Sull. 8; Rep. Veilleux, Hills. 34; Rep. Tierney, Coos 1; Rep. Bordes, Belk. 5; Rep. Petrigno, Hills. 43; Rep. J. Aron, Sull. 4; Sen. Fenton, Dist 10

COMMITTEE: Public Works and Highways

ANALYSIS

This bill requires the state of New Hampshire to seek approval from municipal legislative bodies prior to transferring state-owned class I or II highways.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the transfer of state-owned real property to municipalities.

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

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

3 I. Upon recommendation of the commissioner of the department of transportation to dispose
4 of or lease property purchased with state or federal highway funds or both, or turnpike funds, the
5 request for disposal or leasing shall be reviewed and approved by the long range capital planning
6 and utilization committee before submission to the governor and council for approval. Upon
7 determination that the property is no longer needed by the state, the governor and council shall first
8 offer it to the government of the town, city, or county in which the property is located. If the town,
9 city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real
10 property. ***The state shall not dispose of class I or class II highway property if the highway is***
11 ***still in use by the public for motor vehicle travel and the selectmen of the town in which the***
12 ***highway is situate object to the discontinuance, reclassification, or reversion of the***
13 ***highway pursuant to RSA 230:57.***

14 2 Bulk Disposal of Highway or Turnpike Funded Real Estate. Amend RSA 4:39-f, I to read as
15 follows:

16 I. The commissioner of the department of transportation may recommend the bulk disposal
17 of real estate purchased with state or federal highway funds or both, or turnpike funds. The request
18 for bulk disposal shall be presented for review and approval by the long range capital planning and
19 utilization committee before submission to the governor and council for approval. Upon
20 determination that the property is no longer needed by the state, the governor and council shall first
21 offer it to the government of the town, city, or county in which the property is located. If the town,
22 city, or county refuses the offer, the governor and council may sell, convey, transfer, or lease the real
23 property. ***The state shall not dispose of class I or class II highway property if the highway is***
24 ***still in use by the public for motor vehicle travel and the selectmen of the town in which the***
25 ***highway is situate object to the discontinuance, reclassification, or reversion of the***
26 ***highway pursuant to RSA 230:57.***

27 3 Disposal of Real Estate. Amend RSA 4:40, I to read as follows:

28 I. Except as provided in RSA 4:39-c, ***RSA 4:39-f***, RSA 228:31-b, and RSA 204-D, upon
29 recommendation of the head of any state department having jurisdiction over the same, all requests
30 for the disposal or leasing of state-owned properties shall be reviewed and approved by the long
31 range capital planning and utilization committee, with advice from the council on resources and

1 development, prior to submission to the governor and council for approval. Upon determination that
2 the property is no longer needed by the state, the governor and council shall first offer it to the town,
3 city, or county in which the property is located. If the town, city, or county refuses the offer, the
4 governor and council may sell, convey, transfer, or lease the real property. ***The state shall not***
5 ***dispose of class I or class II highway property if the highway is still in use by the public for***
6 ***motor vehicle travel and the selectmen of the town in which the highway is situate object to***
7 ***the discontinuance, reclassification, or reversion of the highway pursuant to RSA 230:57.***

8 4 Discontinuance of Relocated Portions of Class I and Class II Highways; Reversion to Town.
9 Amend RSA 230:57 to read as follows:

10 230:57 Reversion to Town. Upon the filing of notice with the commissioner of transportation
11 that such occasion exists, or, in the event that the selectmen fail to take any action or notify the
12 commissioner of transportation in writing of their determination within 60 days after the receipt of
13 notice from the commissioner regarding property acquired by the state in 1945 or earlier, the right-
14 of-way over such portion of land and title to any interest held by the state in such portion shall
15 thereupon revert to or vest in such town, and the commissioner of transportation shall so certify in
16 writing under oath to the selectmen, and the highway shall thereupon become a class V or class VI
17 highway. ***The commissioner of transportation shall not discontinue, reclassify to a class V***
18 ***or class VI highway, or revert to the town, class I or class II highways if the highway is still***
19 ***in use by the public for motor vehicle travel and the selectmen of the town in which the***
20 ***highway is situate object to the discontinuance, reclassification, or reversion.***

21 5 Effective Date. This act shall take effect 60 days after its passage.