

CHAPTER 119
HB 235 – FINAL VERSION

13Feb2013... 0051h
03/21/13 0895s

2013 SESSION

13-0482
10/01

HOUSE BILL **235**

AN ACT allowing counties to contract for professional real estate services for the sale or lease of county property.

SPONSORS: Rep. Jasper, Hills 37; Rep. Spratt, Hills 4

COMMITTEE: Municipal and County Government

ANALYSIS

This bill allows the county commissioners to contract for professional real estate services for the sale or lease of county 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 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT allowing counties to contract for professional real estate services for the sale or lease of county property.

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

1 119:1 New Section; County Commissioners; Authority to Contract for Professional Real Estate
2 Services. Amend RSA 28 by inserting after section 6 the following new section:

3 28:6-a Authority to Contract for Professional Real Estate Services.

4 I. The county commissioners shall be authorized to contract for professional real estate
5 services for the sale or lease of county property as follows:

6 (a) The commissioners shall publish a request for qualifications for professional real
7 estate services to be procured. The commissioners shall select licensed real estate professionals who
8 have demonstrated competence and qualifications to market the sale or lease of real property.

9 (b) The commissioners shall prepare a description of its procedures for procurement of
10 professional real estate services. These descriptions shall be distributed to interested professionals
11 subject to the provisions of this section.

12 (c) The commissioners shall negotiate a contract with the highest qualified firm for
13 professional real estate services at compensation which the commissioners determine is fair and
14 reasonable to the county. In making such determination, the commissioners shall take into account
15 the estimated value, scope, complexity, and professional nature of the services to be rendered.

16 (d) If the commissioners are unable to negotiate a satisfactory contract with the firm
17 considered to be the most qualified, at a price determined to be fair and reasonable to the county, the
18 commissioners shall then undertake negotiations with the next most qualified firm in order of
19 competence and qualifications and continue negotiations until an agreement is reached.

20 II. In this section:

21 (a) “Professional real estate services” means those professional services of licensed real
22 estate professionals, as well as incidental services that members of the profession and those in their
23 employ may logically and justifiably perform. These services shall include at a minimum a market
24 analysis based on the highest and best use of all county property being sold or leased.

25 (b) “Licensed real estate professional” means any individual, firm, partnership,
26 corporation, association, or other legal entity permitted by law to practice the real estate profession
27 in this state under RSA 331-A.

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1 119:2 Competitive Bidding on Sales and Leases. Amend RSA 28:8-c to read as follows:

2 28:8-c Competitive Bidding on Sales and Leases of Real Property. To transfer a valid interest, a
3 sale or lease of real property owned by a county shall be made by the county commissioners by
4 competitive bidding ***or in accordance with RSA 28:6-a*** and shall be ratified by a majority vote of
5 the county convention and the executive committee of the county convention.

6 119:3 Effective Date. This act shall take effect 60 days after its passage.

7

8 Approved: June 25, 2013

9 Effective Date: August 24, 2013