

SB 404-FN – AS AMENDED BY THE SENATE

03/13/14 0623s

2014 SESSION

14-2633
05/01

SENATE BILL ***404-FN***

AN ACT relative to the acquisition of real property for state government purposes.

SPONSORS: Sen. Stiles, Dist 24; Sen. Odell, Dist 8; Rep. Porter, Hills 1; Rep. Emerick, Rock 21;
Rep. Cushing, Rock 21

COMMITTEE: Finance

AMENDED ANALYSIS

This bill permits the governor, with the advice and consent of council, to acquire property for state government purposes.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT relative to the acquisition of real property for state government purposes.

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

1 1 Acquisition and Disposal of Real Estate; By Purchase. Amend RSA 4:29 to read as follows:
2 4:29 By Purchase. The governor, with the advice and consent of the council, may acquire on
3 behalf of the state, either by purchase or otherwise, as hereinafter provided, any real estate within
4 the state which [~~he~~] **the governor** may deem necessary for any military purpose, for public parks,
5 public buildings, or for any other public improvement **or state government** purposes and to accept
6 deeds thereof in the name of the state; provided, however, that 60 days before a purchase of any real
7 estate within the city of Concord or the Concord region, the governor shall provide written notice of
8 such proposed purchase to the state-capitol-region planning commission. No dam or any real
9 property appurtenant thereto or any rights and easements in either may be acquired pursuant to the
10 authority of this section or any other provision of law except an act of the legislature which
11 authorizes the acquisition of a particular dam, real property, or right or easement. **Any real**
12 **property purchased pursuant to this section may be located or configured in accordance**
13 **with the best interest of the state as dictated by the particular needs or requirements of the**
14 **proposed use for which the real property is acquired.**

15 2 Payment. Amend RSA 4:38 to read as follows:

16 4:38 Payment. The governor, with the advice and consent of the council, is authorized to draw
17 [~~his~~] **a** warrant upon any money in the treasury available for military purposes or not otherwise
18 appropriated, in payment for real estate acquired for military purposes under the provisions of this
19 chapter, or, if [~~land~~] **real property** is so acquired for other public **or state government** purposes,
20 only upon money appropriated for such purposes, **including money appropriated in the capital**
21 **budget.**

22 3 Effective Date. This act shall take effect 60 days after its passage.

SB 404-FN FISCAL NOTE

AN ACT relative to the acquisition of real property for state government purposes.

FISCAL IMPACT:

The Department of Administrative Services states this bill, as amended by the Senate (Amendment #2014-0623s), will have an indeterminable impact on state expenditures in FY 2014 and each year thereafter. There will be no impact on county and local expenditures, or state, county, and local revenue.

METHODOLOGY:

The Department of Administrative Services states this bill makes several changes to the statutes (RSA 4:29 and RSA 4:38) governing acquisition of property by the state. The bill (1) expands the list of purposes for which the state may acquire property to include “state government” purposes; (2) expands from “land” to “real property” the type of property the state may acquire; and (3) explicitly allows appropriations in the operating and capital budgets for the purchase of such property. The Department states that, although there is currently no prohibition on appropriating funds for the purchase of real property, a precedent exists to not appropriate funds for this purpose, particularly in the capital budget. Instead, state facilities have traditionally been constructed on land donated by a local community or private entity. According to the Department, this has caused delays in the construction of several court houses and other facilities because, upon identifying the ideal site for these facilities, the state has been unable to have the land donated. The Department states it is unable to determine the fiscal impact of the bill.