

May 12, 2005

**H 1723. ALT. METHOD/DISPOSAL OF STATE SURPLUS R. P. TO AUTHORIZE THE COMMISSION ON STATE PROPERTY TO DISPOSE OF SURPLUS STATE-OWNED REAL PROPERTY, TO MAKE CONFORMING CHANGES TO STATUTES RELATED TO THE DISPOSAL OF STATE-OWNED LAND, AND TO APPROPRIATE FUNDS.** As described below, creates a Commission on State Property with authority to identify and dispose of State-owned real property that is surplus (current Commission is only advisory), a power held concurrently with the Office of State Property in the Dep't of Administration. Establishes a special fund to pay for the operations of the Commission. Also allows the state agency that has property allocated to it that is subsequently sold to keep a portion of the proceeds of the sale to be used for specified purposes.

Recodifies GS Chapter 143, Article 78 as GS Chapter 146, Article 19 and revises Article 19 as recodified. Provides that the Commission may adopt rules for the administration of its duties, including the process for determining whether property is surplus, a process for submitting proposals to the Department of Administration, and rules regarding the participation of real estate salespersons and brokers. Establishes procedures for ensuring that Commission coordinates property disposition with the Dep't of Administration. Requires that if the property to be disposed of by the Commission has an appraised value of at least \$25,000, the sale may not be made until after the Commission consults with the Joint Legislative Commission on Governmental Operations. Directs that the net proceeds of a sale must be deposited with the State Treasurer. Net proceeds do not include 5% of the gross amount, to be transferred to the State Surplus Real Property Special Fund (unless fund balance exceeds \$50,000), brokerage fees, and, for most agencies, a retainage of 10% to be used by the State agency for certain improvements, facility repairs, or information technology and equipment. Provides that no deductions from gross proceeds may be deducted for sales involving the Centennial campus (N.C. State), the Horace Williams campus (UNC-Chapel Hill), or the Millennial campus (campuses other than N.C. State and UNC-Chapel Hill). Appropriates \$300,000 for 2005-06 from General Fund to Commission on State Property in the Dep't of Administration, effective July 1, 2005. Rewrites section 6.4(b) of S.L. 2004-124 to provide that funds not expended by current Commission on State Property by June 30, 2005, do not revert and must be transferred to the Surplus State-Owned Real Property Special Fund. Directs that act does not affect the terms of office of the members of the Commission on State Property at the time the act becomes law. Provides that the Commission has 210 days to adopt temporary rules to implement the act.

**Intro. by Crawford.**

Ref. to Appropriations

GS 143, 146, APPROP

July 28, 2005

**H 1723. ALT. METHOD/DISPOSAL OF STATE SURPLUS R.P.** Intro. 5/12/05. House committee substitute makes the following changes to 1st edition. Modifies amendments to Article 19 of GS Chapter 146 as follows. (1) Deletes definition of "state-owned real property" and revises definition of "surplus State-owned real property" to mean real property title to which is vested in the State in fee simple that is unused or underused (was, State-owned land and buildings that are unused and underused). (2) Clarifies that requirement that Comm'n on State Property hire its professional and clerical staff applies notwithstanding the provisions of GS 146-67 (requiring that Governor employ State lands employees). (3) Enacts new GS 146-87(a)(7) to authorize Comm'n to employ legal counsel and clerical and technical assistance. (4) Amends GS 146-88 to require that Comm'n notify Dep't of Administration within three business days of its receipt of a proposal for State-owned real property (was, within three business days following first meeting at which Comm'n considered proposal) and require that in certain cases Dep't provide an advisory response to the Comm'n within 30 days after receiving proposal (1st edition required that response be provided within 15 days after receipt of proposal). Provides that phrase "already engaged in disposing of the same property" means that the Dep't has begun negotiations with sales agents and brokers. Further amends section to require that after receipt of Department's response, Comm'n determine whether to proceed with transaction and if an agreement of sale is reached, submit transaction to the Governor and Council of State for their approval (was, required

that Comm'n obtain approval by Governor and Council of State before completion of transaction). Requires that land conveyances under section comply with GS 146-74 through 146-78.

Deletes amendments to GS 146-2, 146-4, and 146-15. Amends GS 146-30(a1) to provide that subsection (a) of section will not (was, will) be construed to prohibit the disposition of any State lands by exchange for other lands. Makes conforming changes to GS 143-341(4) (Dep't powers over real property control). Makes technical changes.

August 4, 2005

**H 1723. ALT. METHOD/DISPOSAL OF STATE SURPLUS R.P.** Intro. 5/12/05. House amendment makes the following changes to 2nd edition. Amends GS 146-88(c) to specify factors the Commission on State Property must consider in determining whether disposal of property is in the best interest of the State.

August 11, 2005

**H 1723. ALT. METHOD/DISPOSAL OF STATE SURPLUS R.P.** Intro. 5/12/05. House amendments makes the following change to 2nd edition, as amended. Amendment # 2 enacts new GS 146-30(d)(5) to require that the proceeds of the sale of any psychiatric hospital, intermediate care facility for the mentally retarded, or other facility providing mental health services that is owned by or under the supervision of the Dep't of Health and Human Services be paid into the Trust Fund for Mental Health, Developmental Disabilities, and Substance Abuse Services and Bridge Funding Needs to be used to provide additional noncapital or nonrecurring funds for community-based projects. Amendment # 3 changes effective date of act to June 30, 2005 (was, when act becomes law), except for appropriation. Amendment # 4 amends GS 146-86(g) to establish detailed conflict of interest standards applicable to the Comm'n on State Property, provides that GS 14-234 (prohibiting public employees from benefiting from public contracts) and Executive Order # 1 apply to Comm'n members, and makes conforming changes to GS 146-86. Amendment # 5 enacts new GS 39-60, effective October 1, 2005, to provide that property taxes on real property being sold shall be prorated between the seller and buyer on a calendar-year basis unless otherwise provided by contract.

August 24, 2005

**H 1723. THE STUDIES ACT OF 2005 (NEW).** Intro. 5/12/05. Senate committee substitute makes the following changes to 3rd edition. Deletes all provisions of bill and substitutes *AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES, AND OTHER COMMISSIONS*. Substantially identical to H 413, 3rd edition, digested in today's Bulletin.

July 27, 2006

**H 1723. THE STUDIES ACT OF 2006 (NEW).** Filed 5/11/05. Senate committee substitute makes the following changes to 4th edition. Authorizes numerous studies not included in 4th edition and deletes others in that edition, especially for the Legislative Research Commission, Joint Legislative Health Care Oversight Committee, Joint Legislative Education Oversight Committee, Revenue Laws Study Committee, and Environmental Review Commission. Adds new studies by these existing agencies: Department of Transportation, Wildlife Resources Commission, Joint Legislative Oversight Committee on Mental Health, Developmental Disabilities, and Substance Abuse Services Studies, Dorothea Dix Hospital Property Study Commission, Department of Cultural Resources, State Board of Community Colleges, Institute for the Economy and Future of Western North Carolina University, Administrative Office of the Courts, Department of Environment and Natural Resources, Department of Health and Human Services, State Board of Education, and Joint Legislative Corrections, Crime Control, and Juvenile Justice Oversight Committee.

Creates or authorizes creation of the following new entities for specific studies: House Task Force on the Recovery of Costs in Civil Cases; Compensation of State Elected and Appointed Officials Study Commission; Waterfront Access Study Committee; Government Performance

Audit Committee; State and Local Revenue Modernization Study Commission; Chronic Kidney Disease Task Force; Legislative Study Commission on the Budget of the Department of Public Instruction; Joint Legislative Study Committee on Sex Offender Registration and Internet Crimes Against Children; Study Commission on the Beneficial Uses of Industrial Hemp; and Legislative Study Commission on Day Care and Related Programs.

July 27, 2006

**H 1723. THE STUDIES ACT OF 2006.** Filed 5/11/05. Senate amendment makes the following changes to 5th edition. The 5th edition established the State and Local Modernization Study Commission with 30 members, 15 appointed by the Speaker and 15 by the President Pro Tempore. The amendment maintains the size of the Commission but adds the Governor to the appointing authorities and gives each appointer 10 appointments. As a result the number of cochairs is also increased, from two to three. The amendment also expands the subjects to be considered by the Commission and renames it the State and Local Fiscal Modernization Study Commission.

August 22, 2006

**SL 2006-248 (H 1723). THE STUDIES ACT OF 2006. AN ACT TO PROVIDE FOR STUDIES BY THE LEGISLATIVE RESEARCH COMMISSION, STATUTORY OVERSIGHT COMMITTEES AND COMMISSIONS, AND OTHER AGENCIES, COMMITTEES, AND COMMISSIONS.** Summarized in *Daily Bulletin* 8/24/05 and 7/27/06. Enacted August 16, 2006. Effective August 16, 2006, except as otherwise provided.