

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE DRS95028-MD-65 (03/15)

Short Title: Streamline Certain Leases for State Agencies.

(Public)

Sponsors: Senator Apodaca (Primary Sponsor).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO STREAMLINE THE PROCESS OF LEASING SPACE FOR STATE
3 AGENCIES UNDER VERY LIMITED CIRCUMSTANCES.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. G.S. 146-25.1 reads as rewritten:

6 "§ 146-25.1. Proposals to be secured for leases.

7 (a) If pursuant to G.S. 146-25, the Department of Administration determines that it is in
8 the best interest of the State to lease or rent land and the rental is estimated to exceed
9 twenty-five thousand dollars (\$25,000) per year or the term will exceed three years, the
10 Department shall require the State agency desiring to rent land to prepare and submit for its
11 approval a set of specifications for its needs. Upon approval of specifications, the Department
12 shall prepare a public advertisement. The State agency shall place such advertisement in a
13 newspaper of general circulation in the county for proposals from prospective lessors of said
14 land and shall make such other distribution thereof as the Department directs. The
15 advertisement shall be run for at least five consecutive days, and shall provide that proposals
16 shall be received for at least seven days from the date of the last advertisement in the State
17 Property Office of the Department. The provisions of this section do not apply to property
18 owned by governmental agencies and leased to other governmental agencies.

19 (b) The Department may negotiate with the prospective lessors for leasing of the needed
20 land, taking into account not only the rental offered, but the type of land, the location, its
21 suitability for the purposes, services offered by the lessor, and all other relevant factors. In the
22 event either no proposal or no acceptable proposal is received after advertising in accordance
23 with subsection (a) of this section, the Department may negotiate in the open market for leasing
24 of the needed land.

25 (c) The Department of Administration shall present the proposed transaction to the
26 Council of State for its consideration as provided by this Article. In the event the lowest rental
27 proposed is not presented to the Council of State, that body may require a statement of
28 justification, and may examine all proposals.

29 (d) Subsections (a) and (b) of this section shall not apply to any potential lease if all of
30 the following conditions are satisfied:

31 (1) The lease would constitute a renewal or an extension of an existing lease
32 involving the same State agency, same leased property, and same terms,
33 except that the length of the renewal or extension is not required to be the
34 same.

35 (2) The lease renewal or extension would be for a term not to exceed three
36 years.



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1 (3) A bill has been introduced in at least one chamber of the current General
2 Assembly that includes language appropriating funds and that if enacted
3 would provide sufficient land for the State agency so that the lease at issue
4 would no longer need to continue."

5 **SECTION 2.** This act is effective when it becomes law.