

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2009

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HOUSE BILL 1377  
Second Edition Engrossed 5/14/09

Short Title: Taxpayer Optimization Act. (Public)

Sponsors: Representatives Folwell, McElraft, Brown, Moore (Primary Sponsors); and Starnes.

Referred to: State Government/State Personnel, if favorable, Judiciary II.

April 9, 2009

A BILL TO BE ENTITLED

AN ACT TO MAKE CERTAIN SALES OF STATE PROPERTY SUBJECT TO UPSET BIDS.

The General Assembly of North Carolina enacts:

**SECTION 1.** G.S. 146-27 reads as rewritten:

"§ 146-27. **The role of the Department of Administration in sales, leases, and rentals.**

(a) General. – Every sale, lease, rental, or gift of land owned by the State or by any State agency shall be made by the Department of Administration and approved by the Governor and Council of State. A lease or rental of land owned by the State may not exceed a period of 99 years. The Department of Administration may initiate proceedings for sales, leases, rentals, and gifts of land owned by the State or by any State agency.

(b) Large Disposition. – If a proposed disposition is a sale or gift of land with an appraised value of at least twenty-five thousand dollars (\$25,000), the sale or gift shall not be made until after consultation with the Joint Legislative Commission on Governmental Operations.

(b1) Upset Bids. – If a proposed disposition of land or other real property with a value of at least twenty-five thousand dollars (\$25,000) is a sale or other transfer to a private entity that operates or is established to operate for profit, the proposed disposition shall be subject to upset bids, unless other, non-monetary consideration associated with the transaction has been made public. If other consideration is offered such that upset bids are not required, notice of the sale and other consideration shall be posted and published in a manner similar to that provided in G.S. 1-339.17. The Department of Administration shall adopt a procedure for upset bids that is based on the upset bid procedure set forth in Part 2 of Article 29A of Chapter 1 of the General Statutes.

(c) Expired effective September 1, 2007."

**SECTION 2.** This act becomes effective October 1, 2009.

