

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 13  
Second Edition Engrossed 2/14/13

Short Title: State Agency Property Use/Biennial Report. (Public)

Sponsors: Representatives Howard, W. Brawley, Moffitt, and Wray (Primary Sponsors).  
For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Finance.

January 31, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE STATE AGENCIES TO BIENNIALLY REPORT TO THE  
3 DEPARTMENT OF ADMINISTRATION AND TO THE PROGRAM EVALUATION  
4 DIVISION ON THEIR USE OF REAL PROPERTY; AND TO REQUIRE THE  
5 DEPARTMENT OF PUBLIC INSTRUCTION TO REPORT ANNUALLY ON THE  
6 AMOUNT OF REVENUE GENERATED THROUGH LEASING SPACE ON  
7 RESIDENTIAL SCHOOL CAMPUSES, AS RECOMMENDED BY THE SURPLUS  
8 PROPERTY SUBCOMMITTEE OF THE HOUSE SELECT COMMITTEE ON  
9 STATE-OWNED ASSETS.

10 The General Assembly of North Carolina enacts:

11 **SECTION 1.** Chapter 143 of the General Statutes is amended by adding a new  
12 Article to read:

13 "Article 80.

14 "Reporting on State Agency Use of Real Property.

15 "**§ 143-750. Definitions.**

16 The following definitions apply in this Article:

- 17 (1) Real property. – A parcel of land, a building, or space within a building. This  
18 term does not include right-of-way property allocated to the Department of  
19 Transportation.
- 20 (2) State agency. – A unit of the executive or judicial branch of State  
21 government, such as a department, an institution, a division, a commission, a  
22 board, a council, or The University of North Carolina. The term does not  
23 include a unit of local government or a public authority.
- 24 (3) Underutilized property. – Real property that contains substantial space or  
25 facilities that are currently not used on a regular basis by the State agency  
26 that owns or leases the property or to which the property is allocated.
- 27 (4) Unused property. – Real property that is vacant or that is not used for a  
28 current program or purpose of the State agency. This term includes real  
29 property that is designated for a particular current or future use but that is not  
30 actually currently used for that program or purpose.

31 "**§ 143-751. Duty to analyze real property use every two years.**

32 Each State agency shall analyze each piece of real property owned by, allocated to, or  
33 leased by it at least every two years in order to determine if the property is unused property or  
34 underutilized property.

35 "**§ 143-752. State agencies shall biennially report on real property use.**



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1 On or before September 1 of each even-numbered year, each State agency shall report to  
2 the Department of Administration and to the Program Evaluation and Fiscal Research Divisions  
3 of the General Assembly on its use of real property. The report shall include all of the  
4 following, set forth in separate sections of the report:

- 5 (1) Summary information about the amount of real property allocated to, owned  
6 by, and leased by the State agency.
- 7 (2) Detailed information about each piece of real property allocated to, owned  
8 by, and leased by the State agency, including, as appropriate, all of the  
9 following:
- 10 a. The location of the property, including the latitude and longitude of  
11 the center of the building or parcel of real property.
- 12 b. The square footage or acreage of the property.
- 13 c. The total amount paid by the State to acquire the property, including  
14 any costs associated with the purchase.
- 15 d. The nature of the State agency's interest in the property.
- 16 e. The condition of the property.
- 17 f. The current use of the property.
- 18 g. An estimate of how much of the property is underutilized or a  
19 statement that the property is unused, as applicable.
- 20 h. The terms of any lease for property, including information about  
21 lease renewal options.
- 22 i. Floor plan and other spatial information about the property.
- 23 (3) Detailed information about any real property allocated to, owned by, or  
24 leased by the State agency that is unused property or underutilized property,  
25 without regard to whether the property has been deemed surplus as of the  
26 date of the report. If property is unused property or underutilized property  
27 but the State agency has not notified the Department of Administration that  
28 it is surplus, this section of the report shall include an explanation of why the  
29 State agency has not so notified the Department.
- 30 (4) Detailed information about any real property designated surplus pursuant to  
31 G.S. 143-753.
- 32 (5) Highlights of any differences between the information contained in the  
33 report and the information contained in the most recent report submitted  
34 pursuant to this section.
- 35 (6) Any additional information about the State agency's real property use  
36 requested by the Department of Administration or by the Program  
37 Evaluation Division of the General Assembly.

38 **§ 143-753. Automatic designation of certain unused and underutilized property as**  
39 **surplus property.**

40 Any piece of real property owned by or allocated to a State agency that was designated as  
41 unused property or underutilized property on the most recent report submitted pursuant to  
42 G.S. 143-752 and that is unused property or underutilized property on the date that the  
43 subsequent report is due under that section shall automatically be designated surplus property  
44 and shall be reported in the section of the report required by G.S. 143-752(4). The designation  
45 of a piece of real property as surplus pursuant to this section shall in no way affect the  
46 applicability of Chapter 146 of the General Statutes to any disposition of that property.

47 **§ 143-754. Department of Administration shall assist State agencies.**

48 When requested to do so, the Department of Administration shall assist a State agency in its  
49 efforts to comply with this Article by providing property records in the possession of the  
50 Department to the requesting State agency.

1 "§ 143-755. State agencies shall report on revenues generated from leasing State  
2 property.

3 On or before February 1 of each year, each State agency shall report to the Chairs of the  
4 House Appropriations Committee, the Chairs of the Senate Appropriations/Base Budget  
5 Committee, and to the Fiscal Research Division of the General Assembly the amount of  
6 revenue generated through leasing space on property owned by or allocated to the State agency  
7 during the previous year."

8 **SECTION 2.** G.S. 143C-8-4(a) reads as rewritten:

9 **"§ 143C-8-4. Agency capital improvement needs estimates.**

10 (a) Needs Estimate Required. – On or before September 1 of each even-numbered year,  
11 each State agency shall submit to the Office of State Budget and Management and to the  
12 Division of Fiscal Research a six-year capital improvement needs estimate and the report  
13 required by G.S. 143-752. This estimate shall describe the agency's anticipated capital needs for  
14 each year of the six-year planning period. Capital improvement needs estimates shall be shown  
15 in two parts."

16 **SECTION 3.** This act is effective when it becomes law.