

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 800

Short Title: New Educ. Bldg. Space Allocation.

(Public)

Sponsors: Senator Raynor.

Referred to: State Personnel and State Government.

April 24, 1991

A BILL TO BE ENTITLED
AN ACT REGARDING THE ALLOCATION OF SPACE IN THE NEW
EDUCATION BUILDING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 143-341(4) reads as rewritten:

"(4) Real Property Control:

- a. To prepare and keep current a complete and accurate inventory of all land owned or leased by the State or by any State agency. This inventory shall show the location, acreage, description, source of title and current use of all land (including swamplands or marshlands) owned by the State or by any State agency, and the agency to which each tract is currently allocated. Surveys may be made where necessary to obtain information for the purposes of this inventory. Accurate plats or maps of all such land may be prepared, or copies obtained where such maps or plats are available.
- b. To prepare and keep current a complete and accurate inventory of all buildings owned or leased (in whole or in part) by the State or by any State agency. This inventory shall show the location, amount of floor space and floor plans of every building owned or leased by the State or by any State agency, and the agency to which each building, or space therein, is currently allocated. Floor plans of every such building shall be prepared or copies obtained where such floor plans are

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- 1 available, where needed for use in the allocation of space
2 therein.
- 3 c. To obtain and deposit with the Secretary of State the originals
4 of all deeds and other conveyances of real property to the State
5 or to any State agency, copies of all leases wherein the State or
6 any State agency is lessor or lessee, and certified copies of
7 wills, judgments, and other instruments whereby the State or
8 any State agency has acquired title to real property. Where an
9 original of a deed, lease, or other instrument cannot be found,
10 but has been recorded in the registry of office of the clerk of
11 superior court of any county, a certified copy of such deed,
12 conveyance, or instrument shall be obtained and deposited with
13 the Secretary of State.
- 14 d. To acquire, whether by purchase, exercise of the power of
15 eminent domain, lease, or rental, all land, buildings, and space
16 in buildings for all State agencies, subject to the approval of the
17 Governor and Council of State in each instance. The Governor,
18 acting with the approval of the Council of State, may adopt
19 rules (i) exempting from any or all of the requirements of this
20 paragraph such classes of lease, rental, easement, and right-of-
21 way transactions as he deems advisable; and (ii) authorizing any
22 State agency to enter into and/or approve the classes of
23 transactions thus exempted from the requirements of this
24 paragraph; and (iii) delegating to any other State agency the
25 authority to approve the severance of buildings and standing
26 timber from State lands; upon such approval of severance, the
27 buildings and timber so affected shall be treated, for the
28 purposes of this Chapter, as personal property. Any contract
29 entered into or any proceeding instituted contrary to the
30 provisions of this paragraph is voidable in the discretion of the
31 Governor and Council of State.
- 32 d1. To require all State departments, institutions, and agencies to
33 use State-owned office space instead of negotiating or
34 renegotiating leases for rental of office space. Any lease entered
35 into contrary to the provisions of this paragraph is voidable in
36 the discretion of the Governor and the Council of State.
37 The Department of Administration shall report to the Joint
38 Legislative Commission on Governmental Operations and to
39 the Fiscal Research Division no later than May 1 of each year on
40 leased office space.
- 41 e. To make all sales of real property (including marshlands or
42 swamplands) owned by the State or by any State agency, with
43 the approval of the Governor and Council of State in each
44 instance. All conveyances in fee by the State shall be executed

1 in accordance with the provisions of G.S. 146-74 through G.S.
2 146-78. Any conveyance of land made or contract to convey
3 land entered into without the approval of the Governor and
4 Council of State is voidable in the discretion of the Governor
5 and Council of State. The proceeds of all sales of swamplands
6 or marshlands shall be dealt with in the manner required by the
7 Constitution and statutes.

8 f. With the approval of the Governor and Council of State, to
9 make all leases and rentals of land or buildings owned by the
10 State or by any State agency, and to sublease land or buildings
11 leased by the State or by any State agency from another owner,
12 where such land or building owned or leased by the State or by
13 any State agency is not needed for current use. The Governor,
14 acting with the approval of the Council of State, may adopt
15 rules (i) exempting from any or all of the requirements of this
16 paragraph such classes of lease or rental transactions as he
17 deems advisable; and (ii) authorizing any State agency to enter
18 into and/or approve the classes of transactions thus exempted
19 from the requirements of this paragraph; and (iii) delegating to
20 any other State agency the authority to approve the severance of
21 buildings and standing timber from State lands; upon such
22 approval of severance, the buildings and timber so affected
23 shall be treated, for the purposes of this Chapter, as personal
24 property. Any lease or rental agreement entered into contrary to
25 the provisions of this paragraph is voidable in the discretion of
26 the Governor and Council of State.

27 g. To allocate and reallocate land, buildings, and space in
28 buildings to the several State agencies, in accordance with rules
29 adopted by the Governor with the approval of the Council of
30 State; provided that if the proposed reallocation is of land with
31 an appraised value of at least twenty-five thousand dollars
32 (\$25,000), the reallocation may only be made after consultation
33 with the Joint Legislative Commission on Governmental
34 Operations. The authority granted in this paragraph shall not
35 apply to the State Legislative Building and ~~grounds or grounds,~~
36 to the Legislative Office Building and ~~grounds.~~ grounds, or to
37 the State office building on the northwest corner of Wilmington
38 and Lane streets, which is commonly known as the New
39 Education Building, and grounds.

40 h. To require any State agency to make reports regarding the land
41 and buildings owned by it or allocated to it at such times and in
42 such form as the Department may deem necessary.

43 i. To determine whether all deeds, judgments, and other
44 instruments whereby title to real estate has been or may be

1 acquired by the State or by any State agency have been properly
2 recorded in the county wherein the real property is situated, and
3 to make or cause to be made proper recordation of such
4 instruments. The Department may have previously recorded
5 instruments which conveyed title to or from the State or any
6 State agency or officer reindexed, where necessary, to show the
7 State of North Carolina or grantor or grantee, as the case may
8 be, and the cost of such reindexing shall be paid from the State
9 Land Fund.

- 10 j. To call upon the Attorney General for advice and assistance in
11 the performance of any of the foregoing duties.
- 12 k. None of the provisions of this subdivision apply to highway or
13 railroad rights-of-way or other interests or estates in land held
14 for the same or similar purposes, or to the acquisition or
15 disposition of such rights-of-way, interests, or estates in land.
- 16 l. To manage and control the vacant and unappropriated lands,
17 swamplands, lands acquired by the State by virtue of being sold
18 for taxes, and submerged lands of the State, pursuant to Chapter
19 146 of the General Statutes.
- 20 m. To contract for or approve all contracts for all appraisals and
21 surveys of real property for all State agencies; provided,
22 however, this provision shall not apply to appraisals and
23 surveys obtained in connection with the acquisition of highway
24 rights-of-way, borrow pits, or other interests or estates in land
25 acquired for the same or similar purposes, or to the disposition
26 thereof, by the Board of Transportation.
- 27 n. To petition for the annexation of State-owned lands into any
28 municipality."

29 Sec. 2. G.S. 120-32.1 reads as rewritten:

30 **"§ 120-32.1. Use and maintenance of buildings and grounds.**

31 (a) The Legislative Services Commission shall determine policy governing the
32 use of the State Legislative ~~Building and the State office building located at the northeast~~
33 ~~corner of Lane and Salisbury streets.~~ Building, the Legislative Office Building, and the
34 State office building on the northwest corner of Wilmington and Lane streets, which is
35 commonly known as the New Education Building. The Commission shall allocate
36 space within those buildings and the grounds encompassed by Jones, Wilmington, Lane
37 and Salisbury streets; be responsible for the maintenance, security, control and care of
38 those buildings and promulgate rules and regulations governing the use of those
39 buildings and their facilities. The Commission may delegate the actual work of
40 maintenance of those buildings to the Department of Administration, which shall
41 provide such maintenance services as may be delegated, subject to the direction of the
42 Commission.

43 (b) The rules and regulations promulgated by the Legislative Services
44 Commission under the authority of this section shall be posted in a conspicuous place in

1 the State Legislative Building, ~~and in the State office building located at the northeast corner~~
2 ~~of Lane and Salisbury streets, the Legislative Office Building, and the State office~~
3 ~~building on the northwest corner of Wilmington and Lane streets, which is commonly~~
4 ~~known as the New Education Building,~~ and a copy of the rules and regulations and all
5 amendments thereto, certified by the chairman of the Legislative Services Commission,
6 shall be filed in the office of the Secretary of State and in the office of the Clerk of the
7 Superior Court of Wake County. When so posted and filed, these rules and regulations
8 shall constitute notice to all persons of the existence and text of the rules and
9 regulations. Any person, whether on his own behalf or for another, or acting as an agent
10 or representative of any person, firm, corporation, partnership or association, who
11 knowingly violates any of the rules or regulations promulgated, posted and filed under
12 the authority of this section is guilty of a misdemeanor, and upon conviction or a plea of
13 guilty shall be punished by a fine or imprisonment in the discretion of the court, or by
14 both such fine and imprisonment. Any person, firm, corporation, partnership or
15 association who combines, confederates, conspires, aids, abets, solicits, urges,
16 instigates, counsels, advises, encourages or procures another or others to knowingly
17 violate any of the rules and regulations promulgated, posted and filed under the
18 authority of this section is guilty of a misdemeanor and upon conviction or a plea of
19 guilty shall be punished by a fine or imprisonment in the discretion of the court, or by
20 both such fine and imprisonment.

21 (c) When the General Assembly is in regular or extra session, the Legislative
22 Services Commission shall have exclusive authority to assign parking space in the State
23 Legislative Building and upon its grounds, as 'grounds' is defined in G.S. ~~120-32.3, 120-~~
24 ~~32.2,~~ and the State Legislative Building security force shall have exclusive authority and
25 responsibility for enforcing the parking rules and regulations of the Legislative Services
26 Commission. The Legislative Services Commission may cause to be removed at the
27 owner's expense any vehicle parked in the State Legislative Building or on its grounds
28 in violation of the rules and regulations of the Legislative Services Commission, and
29 during regular or extra sessions of the General Assembly may cause to be removed any
30 vehicle parked in any State-owned parking space leased to an employee of the General
31 Assembly where the vehicle is parked without the consent of the employee to whom the
32 space is leased."

33 Sec. 3. G.S. 120-32.2 reads as rewritten:

34 "**§ 120-32.2. State Legislative Building special police.**

35 All members of the State Legislative Building security force employed by the
36 Legislative Services Office are special policemen, and within the State Legislative
37 Building and upon its grounds they shall have all the powers of policemen of
38 incorporated towns.

39 As used in this section, 'grounds' means the area between the outer walls of the State
40 Legislative Building and the near curblineline of those sections of Jones, Wilmington, Lane
41 and Salisbury streets which border the land on which the State Legislative Building is
42 situated. When the General Assembly is in regular or extra session, the term 'grounds'
43 also includes the surface to the far curblineline of those sections of Jones, Wilmington,
44 Lane and Salisbury streets which border the land on which the State Legislative

1 Building is situated and any State-owned parking lot which is leased to the General
2 Assembly while the General Assembly is in session.

3 The jurisdiction of the State Legislative Building security force shall also include (i)
4 ~~the State office building located at the northeast corner of Lane and Salisbury~~
5 ~~streets~~ Legislative Office Building and the area between the outer walls of that building
6 and the near curblineline of those sections of Lane and Salisbury streets that border the land
7 on which the building is ~~located~~ located and (ii) the State office building on the
8 northwest corner of Wilmington and Lane streets, which is commonly known as the
9 New Education Building, and the area between the outer walls of that building and the
10 near curblineline of those sections of Wilmington and Lane streets that border the land on
11 which the building is located."

12 Sec. 4. G.S. 143-340(17) reads as rewritten:

13 "(17) ~~To supervise the work of janitors appointed by the General~~
14 ~~Assembly to perform services in connection with the sessions of~~
15 ~~the General Assembly.~~ provide such maintenance services for the
16 State Legislative Building, the Legislative Office Building, and the
17 State office building on the northwest corner of Wilmington and
18 Lane streets, which is commonly known as the New Education
19 Building, as are delegated to the Department of Administration by
20 the Legislative Services Commission, pursuant to G.S. 120-
21 32.1(a)."

22 Sec. 5. This act is effective upon ratification.