January 30, 2009

SENATE BILL No. 175

DIGEST OF SB 175 (Updated January 28, 2009 3:22 pm - DI 110)

Citations Affected: IC 4-20.5; IC 14-21.

Synopsis: Disposal of state owned real estate. Provides that the department of administration (department) may sell real property owned by the state by use of a request for proposals. Requires certain documentation to be kept if the department negotiates a sale of state owned real property with a potential buyer. Provides that the department may dispose of state owned real property involved in a dispute by exchanging the state owned real property for property of like value, regardless of the value of the state owned real property to be transferred. (Under current law, such an exchange may not be made if the value of the state owned real property exceeds $10,000.) Provides that state owned real property may also be exchanged for other real property to improve the state's ability to manage state property or to improve access to state property. Requires the division of historic preservation and archeology of the department of natural resources to notify the department of the results of its review of the disposition of state owned real property not later than 30 days after receiving notice from the department of the intent to dispose of the state owned real property.

Effective: July 1, 2009.

Charbonneau, Alting, Rogers

January 7, 2009, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.
January 29, 2009, reported favorably — Do Pass.

C o p y

January 30, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

C o p y

SENATE BILL No. 175

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 4-20.5-7-10.7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10.7. ~~(a) This section does not apply if the value of the state property is more than ten thousand dollars ($10,000).~~

~~(b)~~ **(a)** The department may transfer state property to a person in exchange for property of like value transferred by the person to the state:

(1) to:

(A) settle a dispute relating to either or both of the properties; **or**

(B) improve:

(i) the state's ability to manage state property; or

(ii) access to state property; and

(2) without offering to transfer the state property:

(A) to state agencies, state educational institutions, or a political subdivision under this chapter; or

(B) after a sale of the property under this chapter.

~~(c)~~ **(b)** The department must establish that properties exchanged under this section are of like value through appraisals or other means approved by the commissioner.

SECTION 2. IC 4-20.5-7-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. **(a)** The department may sell the property through ~~either~~ **any** of the following:

(1) Competitive bids.

(2) By auction.

(3) By request for proposals.

(b) The department may enter into negotiations with the respondent who has the highest offer only if the negotiations are documented. Negotiation documentation must include the following:

(1) A log of the date and time of each meeting with a respondent. The log must include the identity of the respondent.

(2) A description of the nature of all communications with a respondent.

(3) Subject to subsection (d), a copy of all written communications, including electronic communications, with each respondent.

(c) Except as provided in subsection (d), the contents of the contract file are subject to public inspection.

(d) Proprietary information included with a response, including trade secrets, manufacturing processes, and financial information that was not required to be made available for public inspection by the terms of the invitation for bids, live auction, or requests for proposals, is not subject to public inspection.

(e) The negotiation documentation is subject to public inspection only after the transfer of the property.

SECTION 3. IC 14-21-1-14, AS AMENDED BY P.L.2-2007, SECTION 171, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) This section does not apply to real property that is owned by a state educational institution.

(b) The Indiana department of administration shall notify the division of a proposed transfer of real property owned by the state at the earliest planning stage and ~~no~~ **not** later than ninety (90) days before the date of the proposed transfer.

(c) The division shall:

(1) inspect the property; and

(2) notify the Indiana department of administration of the location of each historic site or historic structure on the property;

C o p y

not later than thirty (30) days after receiving notice under subsection (b). If the division does not notify the Indiana department of administration within thirty (30) days after receiving notice, the Indiana department of administration may proceed with the proposed transfer.

~~(d) Real property owned by the state may not be sold or transferred until the division has stated in writing that the property does not, to the best of the division's knowledge, contain a historic site or historic structure.~~

~~(c)~~ **(d)** If the Indiana department of administration receives notice of a historic site or historic structure on the property, the Indiana department of administration shall reserve control of the appropriate historic property by means of a covenant or an easement contained in the transferring instrument.

~~(f)~~ **(e)** The division of state museums and historic sites shall administer property reserved under subsection ~~(c).~~ **(d).**

Copy

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce, Public Policy and Interstate Cooperation, to which was referred Senate Bill No. 175, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 175 as introduced.)

ALTING, Chairperson

Committee Vote: Yeas 6, Nays 1.

C o p y