

MAINE STATE LEGISLATURE

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R. O. S.

MINORITY

L.D. 114

Date: 4/24/15

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE

SENATE

127TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "B" to S.P. 47, L.D. 114, "Resolve, Authorizing the Bureau of General Services To Sell Certain Property to Kennebec County"

Amend the resolve by striking out the title and substituting the following:

'Resolve, Authorizing the Bureau of General Services To Offer Certain Property to Kennebec County for 6 Months'

Amend the resolve by striking out all of sections 3 and 4 and inserting the following:

'Sec. 3. Property to be offered to Kennebec County for 6 months.

Resolved: That for 6 months following the effective date of this resolve the Commissioner of Administrative and Financial Services may negotiate with Kennebec County for the sale of the state property described in section 2 and may execute a purchase and sale agreement with Kennebec County upon terms the commissioner considers appropriate, except that the property must be sold "as is," with no representations or warranties and a requirement that Kennebec County use the property to house the Registry of Deeds and other county offices. The title must be transferred by quitclaim deed without covenant or release deed and executed by the commissioner. Kennebec County shall notify the commissioner in writing if the county determines prior to the end of the 6-month period that it does not want to purchase the property described in section 2. During this 6-month period, the commissioner may not negotiate or execute a purchase and sale agreement with any other party for the sale of the state property described in section 2 unless Kennebec County notifies the commissioner in writing that the county does not want to purchase the property; and be it further

Sec. 4. Exemptions. Resolved: That any negotiation or agreement for the sale of the state property described in section 2 that is conducted or entered into under section 3 is exempt from any statutory or regulatory requirement that the state property first be offered to the Maine State Housing Authority or another state or local agency or offered through competitive bidding. If Kennebec County does not execute a purchase and sale agreement with the commissioner for the sale of the state property within 6 months of the effective date of this resolve, or if the county notifies the commissioner in writing prior to the end of the 6-month period stating that the county does not want to purchase the

COMMITTEE AMENDMENT

1 property, as provided in section 3, then the exemption does not apply and the state
2 property must be offered to the Maine State Housing Authority or another state or local
3 agency or offered through competitive bidding before the property may be listed for sale
4 or lease with private real estate brokers pursuant to section 5. The title must be
5 transferred by quitclaim deed without covenant or release deed and executed by the
6 commissioner; and be it further

7 **Sec. 5. Property may be listed for sale or lease with private real estate**
8 **brokers. Resolved:** That if Kennebec County does not execute a purchase and sale
9 agreement with the Commissioner of Administrative and Financial Services for the sale
10 of the state property described in section 2 within 6 months following the effective date
11 of this resolve, or if the county notifies the commissioner in writing prior to the end of the
12 6-month period that the county does not want to purchase the state property, as provided
13 in section 3, and if the property has been offered to and refused by the Maine State
14 Housing Authority or another state or local agency or unsuccessfully offered through
15 competitive bidding, as provided in section 4, then the commissioner may list the
16 property for sale or lease with private real estate brokers and may negotiate any sales or
17 leases, solicit bids, sell directly to purchasers or enter directly into leases with tenants for
18 the sale of the property. The title must be transferred by quitclaim deed without covenant
19 or release deed and executed by the commissioner; and be it further

20 **Sec. 6. Appraisal. Resolved:** That the Commissioner of Administrative and
21 Financial Services shall have the current market value of the state property described in
22 section 2 determined by an independent appraiser; and be it further

23 **Sec. 7. Proceeds. Resolved:** That any proceeds from a sale pursuant to this
24 resolve must be deposited in the Department of Administrative and Financial Services,
25 Bureau of General Services' capital repair and improvement account for capital
26 improvements as designated by the Commissioner of Administrative and Financial
27 Services; and be it further'

28 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
29 section number to read consecutively.

30 SUMMARY

31 This amendment is the minority report of the committee and makes the following
32 changes.

33 1. It removes language that states that the Commissioner of Administrative and
34 Financial Services must sell the property identified as the Augusta District Court to
35 Kennebec County, and instead specifies that for 6 months following the effective date of
36 the resolve the commissioner may negotiate and execute a purchase and sale agreement
37 with Kennebec County for the sale of the property.

38 2. It provides that if Kennebec County determines prior to the end of the 6-month
39 period that it does not want to purchase the state property, the county must notify the
40 commissioner in writing.

41 3. It prohibits the commissioner during the 6-month period from negotiating or
42 executing a purchase and sale agreement with any other party for the sale of the property

1 unless Kennebec County notifies the commissioner in writing that the county does not
2 want to purchase the property.

3 4. It provides that any statutory and regulatory requirements that the property be
4 offered to the Maine State Housing Authority or another state or local agency or offered
5 through competitive bidding apply if the property is still available after it is offered to
6 Kennebec County before it may be listed for sale or lease with private real estate brokers.

7 5. It provides that if after the 6-month period a purchase and sale agreement has not
8 been executed, and if the property has been offered to and refused by the Maine State
9 Housing Authority or another state or local agency or unsuccessfully offered through
10 competitive bidding, the commissioner may list the property for sale or lease with private
11 real estate brokers and negotiate any sales or leases, solicit bids, sell directly to
12 purchasers or enter directly into leases with tenants.

13 6. It adds a section requiring an independent appraisal of the property.

14 7. It adds a section specifying the disposition of proceeds from the sale of the
15 property.

16 **FISCAL NOTE REQUIRED**

17 **(See attached)**



127th MAINE LEGISLATURE

LD 114

LR 1019(03)

Resolve, Authorizing the Bureau of General Services To Sell Certain Property to Kennebec County

Fiscal Note for Bill as Amended by Committee Amendment "B" (S-53)

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium revenue increase - Other Special Revenue Funds

Fiscal Detail and Notes

Proceeds from the potential sale of the Augusta property will be credited to the Department of Administrative and Financial Services, Bureau of General Services - Capital Construction and Improvement Reserve Fund Other Special Revenue Funds program.