STATE OF NEW YORK

4844--A

2017-2018 Regular Sessions

IN SENATE

March 3, 2017

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Investigations and Government Operations -- recommitted to the Committee on Investigations and Government Operations in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public lands law, in relation to sale of vacant real property owned by the state

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Subdivision 2 of section 2 of the public lands law, as separately amended by chapters 405 and 957 of the laws of 1981, is amended to read as follows:

2. State-owned real property inventory. The commissioner of general services shall establish, maintain and have the custody of an inventory of all state-owned real property, as an aid in the utilization and management of the land resources of the state. The inventory shall include any state-owned real property under the jurisdiction, custody or management of any state agency, whether acquired by appropriation, purchase, gift or otherwise. In order to provide an accurate and current inventory for use by the commissioner of general services, state agencies and the legislature, the commissioner may by rule or regulation prescribe the elements, extent and format of the information to be included and the procedures for collection, presentation and verification of the information to be contained in the inventory. **The commissioner shall label all unused and unappropriated state lands as vacant. Such vacant land shall include unappropriated state lands as described in section thirty of this chapter and any other unused land owned by the state. The commissioner shall make a report which lists all state owned land that has been labeled vacant and furnish such report to the legislature by March thirty-first, two thousand nineteen and each year thereafter.** The commissioner shall by rule or regulation, and upon the advice of the comptroller, prescribe the elements, extent and format of the information to be included and the procedures for collection, presenta-

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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tion, and verification of such information necessary to establish and maintain a set of general fixed asset accounts that comply with generally accepted accounting principles. Each state agency shall deliver to the commissioner of general services such information at the times and in the manner as determined by him **or her** to be necessary for the establishment and maintenance of the inventory and shall permit the commissioner and his **or her** agents to make such physical and records inspections as deemed necessary by the commissioner for the purposes of the inventory program.

§ 2. Subdivision 1 of section 33 of the public lands law, as amended by chapter 360 of the laws of 1983, is amended and a new subdivision 6 is added to read as follows:

1. The commissioner of general services [~~may, from time to time,~~] **shall** sell unappropriated state lands at public auction or by sealed bids in such parcels as he deems for the best interests of the state. Previous to every sale, he **or she** shall fix the lowest sum at which each lot may be sold, and shall designate at least one newspaper in the county where the lands to be sold are situated, in which the commissioner shall cause notice of the time, place and description of sale to be published, at least once a week for four weeks, successively, before the sale. Such notice need not be published in any other paper or papers, and any statute requiring additional publication of notices or advertisements by state officers or a department, board, bureau or commission of the state shall not apply to such notice. The commissioner may designate a representative of his **or her** office to conduct such sale. All such sales shall be held at the county seat of the county where the property is situated, unless otherwise directed by the commissioner.

Upon such sales of unappropriated state land to a purchaser procured by any licensed real estate broker and the payment of the purchase price in the amount offered by such broker in behalf of the purchaser, the commissioner of general services is authorized to pay, subject to such terms and conditions as the commissioner may prescribe, a commission to such broker out of monies available therefor. Uniform rates of commission shall[~~, from time to time,~~] be fixed by the commissioner but shall not exceed six percentum of the purchase price. No commission shall be paid for the procuring of any sale unless (1) written authority of the broker to make such offer on a form acceptable to the commissioner, signed by the person for whom he **or she** is acting, shall be filed with the commissioner before the day of the sale and unless (2) the broker shall furnish to the commissioner evidence in such form and extent as he **or she** may require establishing that the purchaser was procured as the result of the broker's services. In no event shall a broker who is paid a commission by the commissioner as herein provided accept any other commission or fee from any person or source for brokerage services relating to the sale of such unappropriated state land.

6. The commissioner shall ensure the timely sale of all state lands which have been labeled vacant as notated under section two of this chapter. Such sales shall strive to raise revenue in the amount of fifty million dollars for the fiscal year in which this subdivision takes effect and one hundred million dollars for each subsequent fiscal year. A percentage of such sales shall be appropriated to the county where such sold land is situated and shall be used for economic development initiatives within such county.

§ 3. This act shall take effect immediately.