

1 S.149

2 Introduced by Committee on Institutions

3 Date: January 3, 2018

4 Subject: Property; State Land; Forests, Parks and Recreation

5 Statement of purpose of bill as introduced: This bill proposes to amend the  
6 scope of the Commissioner of Forests, Parks and Recreation's authority to  
7 enter into certain land transactions pursuant to 10 V.S.A. § 2606(b).

8 An act relating to the authority of the Department of Forests, Parks and  
9 Recreation to enter into land transactions

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 Sec. 1. 10 V.S.A. § 2606 is amended to read:

12 § 2606. ACCEPTANCE OF GIFTS; EXCHANGE, PURCHASE, OR LEASE  
13 OF LANDS

14 (a) The ~~commissioner~~ Commissioner, with the approval of the ~~governor~~  
15 Governor, may accept gifts of land or interests in land to the ~~state~~ State, or  
16 may purchase land or interests in land in the name of the ~~state~~ State to be held  
17 and administered as ~~state~~ State forests ~~or state~~, State parks, easement interests,  
18 or as interests supporting the management and use of such lands and interests.

19 (b) ~~With~~ Notwithstanding 29 V.S.A. § 166, ~~with~~ the approval of the ~~general~~  
20 ~~assembly~~ General Assembly, which may be granted by resolution, the

1 ~~commissioner~~ Commissioner may sell, convey, exchange or, lease lands, or  
2 interests in land, or may amend deeds, leases, and easement interests, under his  
3 or her jurisdiction when in ~~their~~ his or her judgment it is advantageous to the  
4 ~~state~~ State to do so in the highest orderly development and management of  
5 ~~state~~ State forests ~~and,~~ State parks, or other interests in land.

6 (c) The ~~commissioner~~ Commissioner, with the approval of the ~~governor~~  
7 Governor, may lease mine, quarry, or other resource sites or rights as may be  
8 discovered on ~~state~~ State forest or State park lands unconditionally owned by  
9 the ~~state~~ State.

10 (d) The ~~commissioner~~ Commissioner, with the approval of the ~~governor~~  
11 Governor, may lease for a term of years, or otherwise, such lands as he or she  
12 deems necessary for the protection of ~~state~~ State forest or State park lands or  
13 for use by the ~~state~~ State in connection therewith.

14 (e) The provisions of this section shall not be construed to allow the  
15 ~~commissioner~~ Commissioner to grant oil and gas leases.

16 Sec. 2. 29 V.S.A. § 166 is amended to read:

17 § 166. SELLING OR RENTING STATE PROPERTY

18 (a) As agent of the ~~state~~ State, with the advice and consent of the ~~governor~~  
19 Governor unless otherwise provided, the ~~commissioner of buildings and~~  
20 ~~general services~~ Commissioner of Buildings and General Services may lease  
21 for a term not exceeding 10 years any real property owned by the ~~state~~ State

1 and not used for ~~state~~ State purposes. This subsection shall not apply to leases  
2 of land pursuant to 10 V.S.A. chapter 83.

3 (b) Upon authorization by the ~~general assembly~~ General Assembly, which  
4 may be granted by resolution, and with the advice and consent of the  
5 Governor, the ~~commissioner of buildings and general services~~ Commissioner  
6 of Buildings and General Services may sell real estate owned by the ~~state~~  
7 State. Such property shall be sold to the highest bidder therefor at public  
8 auction or upon sealed bids in the discretion of the ~~commissioner of buildings~~  
9 ~~and general services~~ Commissioner of Buildings and General Services, who  
10 may reject any or all bids. Notice of the sale or a request for sealed bids shall  
11 be posted in at least three public places in the town where the property is  
12 located and also published three times in a newspaper having a known  
13 circulation in ~~said~~ the town, the last publication to be not less than 10 days  
14 before the date of sale or opening of the bids. Failing to consummate a sale  
15 under the method prescribed in this section, the ~~commissioner of buildings and~~  
16 ~~general services~~ Commissioner of Buildings and General Services is  
17 authorized to list the sale of this property with a real estate agent licensed by  
18 the ~~state~~ State of Vermont. This subsection shall not apply to exchanges of  
19 lands or sales of timber made in accordance with the provisions of ~~chapter 55~~  
20 ~~of Title 10~~ 10 V.S.A. chapter 55 or to the sale of land or interests in land made  
21 in accordance with the provisions of 10 V.S.A. chapter 83.

1 Sec. 3. DEPARTMENT OF FORESTS, PARKS AND RECREATION;

2 LAND TRANSACTIONS

3 Nothing in Secs. 1 and 2 of this act shall be interpreted to affect any prior  
4 authorization for a land transaction under 10 V.S.A. § 2606(b) or any joint  
5 resolution of the General Assembly.

6 Sec. 4. EFFECTIVE DATE

7 This act shall take effect on passage.