

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 458*
Committee Substitute Favorable 4/25/13

Short Title: Omnibus County Legislation.

(Public)

Sponsors:

Referred to:

April 1, 2013

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM
3 COUNTY BOARDS BEFORE PERMITS FOR LAND APPLICATION OF WASTE
4 WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL
5 MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR
6 DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES; AND TO
7 STUDY STATE PAYMENTS IN LIEU OF TAXES FOR PUBLIC LANDS.

8 The General Assembly of North Carolina enacts:

9 SECTION 1. G.S. 143-215.1(d) reads as rewritten:

10 "§ 143-215.1. Control of sources of water pollution; permits required.

11 ...
12 (d) Applications and Permits for Sewer Systems, Sewer System Extensions and
13 Pretreatment Facilities, Land Application of Waste, and for Wastewater Treatment Facilities
14 Not Discharging to the Surface Waters of the State. –

15 (1) All applications for new permits and for renewals of existing permits for
16 sewer systems, sewer system extensions and for disposal systems, and for
17 land application of waste, or treatment works which do not discharge to the
18 surface waters of the State, and all permits or renewals and decisions
19 denying any application for permit or renewal shall be in writing. The
20 Commission shall act on a permit application as quickly as possible. The
21 Commission may conduct any inquiry or investigation it considers necessary
22 before acting on an application and may require an applicant to submit plans,
23 specifications, and other information the Commission considers necessary to
24 evaluate the application. If the Commission fails to act on an application for
25 a permit, including a renewal of a permit, within 90 days after the applicant
26 submits all information required by the Commission, the application is
27 considered to be approved. Permits and renewals issued in approving such
28 facilities pursuant to this subsection shall be effective until the date specified
29 therein or until rescinded unless modified or revoked by the Commission.
30 Prior to acting on a permit application for the land application of waste
31 resulting from the operation of a wastewater treatment facility, the
32 Commission shall provide notice and an opportunity for comment to the
33 governing board of the county in which the site of the land application of
34 waste is proposed to be located. Local governmental units to whom
35 pretreatment program authority has been delegated shall establish, maintain,



1 and provide to the public, upon written request, a list of pretreatment
2 applications received.

- 3 (2) An applicant for a permit to dispose of petroleum contaminated soil by land
4 application shall give written notice that he intends to apply for such a
5 permit to each city and county government having jurisdiction over any part
6 of the land on which disposal is proposed to occur. The Commission shall
7 not accept such a permit application unless it is accompanied by a copy of
8 the notice and evidence that the notice was sent to each such government by
9 certified mail, return receipt requested. The Commission may consider, in
10 determining whether to issue the permit, the comments submitted by local
11 governments."

12 **SECTION 2.** G.S. 136-28.1(b) reads as rewritten:

13 **"§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

14 ...

15 (b) For contracts let to carry out the provisions of this Chapter in which the amount of
16 work to be let to contract for transportation infrastructure construction or repair is ~~one million~~
17 ~~two hundred thousand dollars (\$1,200,000)~~ two million five hundred thousand dollars
18 (\$2,500,000) or less, and for transportation infrastructure maintenance, excluding resurfacing,
19 that is ~~one million two hundred thousand dollars (\$1,200,000)~~ two million five hundred
20 thousand dollars (\$2,500,000) per year or less, at least three informal bids shall be solicited.
21 The term "informal bids" is defined as bids in writing, received pursuant to a written request,
22 without public advertising. All such contracts shall be awarded to the lowest responsible
23 bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record
24 shall be subject to public inspection at any time after the bids are opened."

25 **SECTION 3.1.** There is established the State Payment in Lieu of Taxes Study
26 Commission. The Commission shall consist of 13 members appointed as follows:

- 27 (1) Three members of the House of Representatives appointed by the Speaker of
28 the House of Representatives.
29 (2) Three members of the Senate appointed by the President Pro Tempore of the
30 Senate.
31 (3) The Secretary of Revenue or the Secretary's designee.
32 (4) Three members of the public appointed by the Speaker of the House of
33 Representatives based on the recommendation of the North Carolina
34 Association of County Commissioners.
35 (5) Three members of the public appointed by the President Pro Tempore of the
36 Senate based on the recommendation of the North Carolina Association of
37 County Commissioners.

38 **SECTION 3.2.** The Speaker of the House of Representatives and the President Pro
39 Tempore of the Senate shall each designate a cochair. The Commission may meet at any time
40 upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its
41 members.

42 **SECTION 3.3.** Vacancies on the Commission shall be filled by the same
43 appointing authority that made the initial appointment.

44 **SECTION 3.4.** Subject to the approval of the Legislative Services Commission,
45 the Commission may meet in the Legislative Building or the Legislative Office Building.

46 **SECTION 3.5.** The Legislative Services Commission, through the Legislative
47 Services Officer, shall assign professional staff to assist the Commission in its work. The
48 House of Representatives' and the Senate's Director of Legislative Assistants shall assign
49 clerical support staff to the Commission, and the expenses relating to the clerical employees
50 shall be borne by the Commission.

1 **SECTION 3.6.** The Commission, while in the discharge of its official duties, may
2 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
3 The Commission may contract for professional, clerical, or consultant services as provided by
4 G.S. 120-32.02.

5 **SECTION 3.7.** Members of the Commission shall receive subsistence and travel
6 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

7 **SECTION 3.8.** The Commission shall study issues relating to the development of a
8 State payment in lieu of taxes for State properties, including wildlife and game lands. The
9 Commission may consider any other issues deemed relevant.

10 **SECTION 3.9.** The Commission may make an interim report, including any
11 legislative recommendations, to the 2013 Regular Session of the General Assembly when it
12 reconvenes in 2014 and shall submit a final report, including any legislative recommendations,
13 prior to the convening of the 2015 Regular Session of the General Assembly. The Commission
14 shall terminate upon the filing of its final report or on January 1, 2015, whichever occurs first.

15 **SECTION 4.** Section 1 of this act becomes effective July 1, 2013, and applies to
16 land application permit applications received on or after that date. Section 2 of this act becomes
17 effective July 1, 2013, and applies to transportation project bids solicited on or after that date.
18 The remainder of this act is effective when it becomes law.