

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

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HOUSE BILL 1205
Committee Substitute Favorable 6/17/20

Short Title: Expedited State Leasing-Broadband.

(Public)

Sponsors:

Referred to:

May 27, 2020

1 A BILL TO BE ENTITLED
2 AN ACT TO STREAMLINE THE PREPARATION AND FINALIZATION OF NEW LEASES
3 AND LEASE RENEWALS ON STATE PROPERTY TO EXPEDITE DEPLOYMENT OF
4 BROADBAND INFRASTRUCTURE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 146-29.2 reads as rewritten:

7 "§ 146-29.2. Lease or interest in real property for communication purposes.

8 ...

9 (b1) The State shall allow the collocation, installation, and operation of equipment by a
10 broadband provider on any existing structure owned by the State and shall lease real property, or
11 grant an easement or license with an interest in real property, for the purposes of construction
12 and placement of broadband infrastructure on State land. A disposition entered into pursuant to
13 this subsection is voidable by the Governor and Council of State for specific reasons or causes
14 that shall be cited. A determination for a disposition under this subsection shall be made subject
15 to the following:

16 (1) For new requests, the Department of Administration shall prepare and finalize
17 the lease agreement within four months of the receipt of the lease application
18 by the controlling agency. An agency controlling the subject property shall
19 coordinate with the Department in preparing the complete application package
20 for the lease request. If, after four months have elapsed since the controlling
21 agency received the lease application, the lease agreement has not been
22 finalized, the Department shall enter into a lease agreement with the applicant
23 according to the terms submitted in the application.

24 (2) For renewals, the Department of Administration shall prepare and finalize the
25 lease agreement within two months of receiving the application. If the
26 Department is unable to finalize the renewed lease at least two months prior
27 to the termination of the current lease, then the terms of the current lease shall
28 continue until the lease is finalized.

29 (3) The Department of Administration shall coordinate with the Department of
30 Information Technology to develop a streamlined lease development process
31 using state-of-the-art technology, including video conferencing, to facilitate
32 and expedite process completion. All State agencies shall cooperate with and
33 participate in the streamlined lease development process to ensure that
34 finalized lease agreement is prepared and finalized within the time frames
35 required under this subsection.

36"



1 **SECTION 2.(a)** There is appropriated from the General Fund to the Department of
2 Administration the sum of two hundred fifty thousand dollars (\$250,000) in recurring funds for
3 the 2020-2021 fiscal year to be used to retain, by contract, personnel to administer the
4 communication lease review process outlined in this act.

5 **SECTION 2.(b)** Of the funds appropriated to the Department in this section, an
6 amount not exceeding the sum of ninety thousand dollars (\$90,000) may be used to retain the
7 services of a real estate appraiser, licensed pursuant to Chapter 93E of the General Statutes, who
8 holds a MAI designation from the Appraisal Institute, or a qualified real estate service firm that
9 provides relevant valuation and advisory services, and an amount not exceeding one hundred
10 sixty thousand dollars (\$160,000) may be used to retain the services of an attorney, licensed
11 pursuant to Chapter 84 of the General Statutes, who holds a current certification in real property
12 law.

13 **SECTION 3.** This act becomes effective July 1, 2020, and applies to applications
14 for new leases and lease renewals submitted on or after that date. This act expires on January 1,
15 2025.