

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

S

5

SENATE BILL 372
State and Local Government Committee Substitute Adopted 5/1/13
Third Edition Engrossed 5/7/13
House Committee Substitute Favorable 6/21/13
House Committee Substitute #2 Favorable 7/9/13

Short Title: Omnibus County Legislation.

(Public)

Sponsors:

Referred to:

March 20, 2013

A BILL TO BE ENTITLED

AN ACT TO REQUIRE NOTICE AND AN OPPORTUNITY FOR COMMENT FROM COUNTY BOARDS WHEN PERMITS FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID PROCEDURES AND CLARIFY THAT THE DEPARTMENT'S POLICY CONCERNING PARTICIPATION BY DISADVANTAGED MINORITY-OWNED AND WOMEN-OWNED BUSINESSES APPLY TO CONTRACTS LET USING THOSE PROCEDURES; AND TO STUDY STATE PAYMENTS IN LIEU OF TAXES OF PUBLIC LANDS.

The General Assembly of North Carolina enacts:

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

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

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

(1) All applications for new permits and for renewals of existing permits for sewer systems, sewer system extensions and for disposal systems, and for land application of waste, or treatment works which do not discharge to the surface waters of the State, and all permits or renewals and decisions denying any application for permit or renewal shall be in writing. The Commission shall act on a permit application as quickly as possible. The Commission may conduct any inquiry or investigation it considers necessary before acting on an application and may require an applicant to submit plans, specifications, and other information the Commission considers necessary to evaluate the application. If the Commission fails to act on an application for a permit, including a renewal of a permit, within 90 days after the applicant submits all information required by the Commission, the application is considered to be approved. Permits and renewals issued in approving such facilities pursuant to this subsection shall be effective until the date specified therein or until rescinded unless modified or revoked by the Commission. Prior to acting on a permit application for the land application of bulk



* S 3 7 2 - V - 5 *

1 residuals resulting from the operation of a wastewater treatment facility, the
 2 Commission shall provide notice and an opportunity for comment from the
 3 governing board of the county in which the site of the land application of
 4 bulk residuals is proposed to be located. Local governmental units to whom
 5 pretreatment program authority has been delegated shall establish, maintain,
 6 and provide to the public, upon written request, a list of pretreatment
 7 applications received.

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

17 **SECTION 2.1.** G.S. 136-28.1 reads as rewritten:

18 "**§ 136-28.1. Letting of contracts to bidders after advertisement; exceptions.**

19 (a) All contracts over ~~one million two hundred thousand dollars (\$1,200,000)~~two
 20 million five hundred thousand dollars (\$2,500,000) that the Department of Transportation may
 21 let for construction, maintenance, operations, or repair necessary to carry out the provisions of
 22 this Chapter shall be let to a responsible bidder after public advertising under rules and
 23 regulations to be made and published by the Department of Transportation. The right to reject
 24 any and all bids shall be reserved to the Board of Transportation. Contracts for construction or
 25 repair for federal aid projects entered into pursuant to this section shall not contain the
 26 standardized contract clauses prescribed by 23 U.S.C. § 112(e) and 23 C.F.R. § 635.109 for
 27 differing site conditions, suspensions of work ordered by the engineer or significant changes in
 28 the character of the work. For those federal aid projects, the Department of Transportation shall
 29 use only the contract provisions for differing site conditions, suspensions of work ordered by
 30 the engineer, or significant changes in the character of the work developed by the North
 31 Carolina Department of Transportation and approved by the Board of Transportation.

32 (b) For contracts let to carry out the provisions of this Chapter in which the amount of
 33 work to be let to contract for transportation infrastructure construction or repair is ~~one million~~
 34 ~~two hundred thousand dollars (\$1,200,000)~~two million five hundred thousand
 35 (\$2,500,000) or less, and for transportation infrastructure maintenance, excluding resurfacing,
 36 that is ~~one million two hundred thousand dollars (\$1,200,000)~~two million five hundred
 37 thousand dollars (\$2,500,000) per year or less, at least three informal bids shall be solicited.
 38 The term "informal bids" is defined as bids in writing, received pursuant to a written request,
 39 without public advertising. All such contracts shall be awarded to the lowest responsible
 40 bidder. The Secretary of Transportation shall keep a record of all bids submitted, which record
 41 shall be subject to public inspection at any time after the bids are opened.

42"

43 **SECTION 2.2.** G.S. 136-28.4(c) reads as rewritten:

44 "(c) The following definitions apply in this section:

45 (1) "Contract" includes, but is not limited to, contracts let under the procedures
 46 set forth in G.S. 136-28.1(a) and (b).

47 ~~(4)~~(1a) "Disadvantaged Business" has the same meaning as "disadvantaged business
 48 enterprise" in 49 C.F.R. § 26.5 Subpart A or any subsequently promulgated
 49 replacement regulation.

50"

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

- 3 (1) Three members of the House of Representatives appointed by the Speaker of
4 the House of Representatives.
- 5 (2) Three members of the Senate appointed by the President Pro Tempore of the
6 Senate.
- 7 (3) The Secretary of Revenue or the Secretary's designee.
- 8 (4) Three members of the public appointed by the Speaker of the House of
9 Representatives, two based on the recommendation of the North Carolina
10 Association of County Commissioners and one based on the
11 recommendation of the North Carolina League of Municipalities.
- 12 (5) Three members of the public appointed by the President Pro Tempore of the
13 Senate, two based on the recommendation of the North Carolina Association
14 of County Commissioners and one based on the recommendation of the
15 North Carolina League of Municipalities.

16 **SECTION 3.2.** The Speaker of the House of Representatives and the President Pro
17 Tempore of the Senate shall each designate a cochair. The Commission may meet at any time
18 upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its
19 members. No action may be taken except by a majority vote at a meeting at which a quorum is
20 present.

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

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

25 **SECTION 3.5.** The Legislative Services Commission, through the Legislative
26 Services Officer, shall assign professional staff to assist the Commission in its work. The
27 House of Representatives' and the Senate's Director of Legislative Assistants shall assign
28 clerical support staff to the Commission, and the expenses relating to the clerical employees
29 shall be borne by the Commission.

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

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

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

39 **SECTION 3.9.** The Commission may submit an interim report on the results of its
40 study, including any proposed legislation, to the members of the Senate and the House of
41 Representatives at any time by filing a copy of the report with the Office of the President Pro
42 Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the
43 Legislative Library. The Commission shall submit a final report on the results of its study,
44 including any proposed legislation, to the members of the Senate and the House of
45 Representatives, prior to the convening of the 2015 General Assembly, by filing a copy of the
46 report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of
47 the House of Representatives, and the Legislative Library. The Committee shall terminate upon
48 the convening of the 2015 General Assembly or upon the filing of its final report, whichever
49 occurs first.

50 **SECTION 4.** Section 1 of this act becomes effective August 1, 2013, and applies to
51 land application permit applications received on or after that date. Section 2.1 of this act

1 becomes effective August 1, 2013, and applies to transportation project bids solicited on or
2 after that date. The remainder of this act is effective when it becomes law.