

**GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001**

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**SENATE BILL 955**

Short Title: Env. Remediation Not Capital Improvement. (Public)

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Sponsors: Senator Odom.

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Referred to: Agriculture/Environment/Natural Resources.

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April 5, 2001

A BILL TO BE ENTITLED

1 AN ACT TO PROVIDE THAT ENVIRONMENTAL REMEDIATION AND  
2 RESTORATION ACTIVITIES ARE NOT STATE CAPITAL IMPROVEMENT  
3 PROJECTS.  
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5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 143-135.27 reads as rewritten:

7 "**§ 143-135.27. Definition of capital improvement project.**

8 As used in this Article, 'State capital improvement project' means the construction of  
9 and any alteration, renovation, or addition to State buildings, as defined in G.S.  
10 143-336, for which State funds, as defined in G.S. 143-1, are used and which is required  
11 by G.S. 143-129 to be publicly advertised. 'State capital improvement project' does not  
12 include:

13 (1) Remediation or cleanup of contaminated soil, surface water, or  
14 groundwater.

15 (2) Mitigation or restoration of damage to natural resources, including a  
16 wetlands restoration or creation project that is intended to mitigate the  
17 impact of a State capital improvement project."

18 **SECTION 2.** G.S. 143-64.34 reads as rewritten:

19 "**§ 143-64.34. (Effective until July 1, 2001) Exemption of certain projects.**

20 (a) State Capital Improvement Projects under the jurisdiction of the State  
21 Building Commission where the estimated expenditure of public money is less than one  
22 hundred thousand dollars (\$100,000) are exempt from the provisions of this Article.

23 (b) A capital improvement project of The University of North Carolina under  
24 G.S. 116-31.11 where the estimated expenditure of public money is less than three  
25 hundred thousand dollars (\$300,000) is exempt from this Article if:

- 26 (1) The architectural, engineering, or surveying services to be rendered are  
27 under an open-end design agreement;  
28 (2) The open-end design agreement has been publicly announced; and

1 (3) The open-end design agreement complies with procedures adopted by  
2 the University and approved by the State Building Commission under  
3 G.S. 116-31.11(a)(3).

4 (c) A remediation, cleanup, mitigation, or restoration project that is not a State  
5 capital improvement project under G.S. 143-135.27 is exempt from this Article."

6 **SECTION 3.** G.S. 143-336 reads as rewritten:

7 "**§ 143-336. Definitions.**

8 As used in this Article:

9 'Agency' includes every agency, institution, board, commission, bureau, council,  
10 department, division, officer, and employee of the State, but does not include counties,  
11 municipal corporations, political subdivisions, county and city boards of education, and  
12 other local public bodies.

13 'Community college buildings' means all buildings, utilities, and other property  
14 developments located at a community college, which is defined in G.S. 115D-2(2).

15 'Department' means the Department of Administration, unless the context otherwise  
16 requires.

17 'Public buildings' means all buildings owned or maintained by the State in the City  
18 of Raleigh, but does not mean any building which a State agency other than the  
19 Department of Administration is required by law to care for and maintain.

20 'Public buildings and grounds' means all buildings and grounds owned or maintained  
21 by the State in the City of Raleigh, but does not mean any building or grounds which a  
22 State agency other than the Department of Administration is required by law to care for  
23 and maintain.

24 'Public grounds' means all grounds owned or maintained by the State in the City of  
25 Raleigh, but does not mean any grounds which a State agency other than the  
26 Department of Administration is required by law to care for and maintain.

27 'Secretary' means the Secretary of Administration, unless the context otherwise  
28 requires.

29 'State buildings' mean all State buildings, utilities, and other property developments  
30 except the State Legislative Building, railroads, highway structures, bridge structures,  
31 ~~and any buildings, utilities, or property owned or leased by the North Carolina Global~~  
32 ~~TransPark Authority~~ and a remediation, cleanup, mitigation, or restoration project that is  
33 not a State capital improvement project under G.S. 143-135.27.

34 But under no circumstances shall this Article or any part thereof apply to the judicial  
35 or to the legislative branches of the State."

36 **SECTION 4.** This act is effective when it becomes law.