

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2013

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HOUSE BILL 458\*

Short Title: Omnibus County Legislation. (Public)

Sponsors: Representative McElraft (Primary Sponsor).

*For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.*

Referred to: Environment, if favorable, Transportation, if favorable, Judiciary.

April 1, 2013

1 A BILL TO BE ENTITLED  
2 AN ACT TO REQUIRE A CONSULTATION WITH COUNTY BOARDS WHEN PERMITS  
3 FOR LAND APPLICATION OF WASTE WITHIN THAT COUNTY ARE ISSUED BY  
4 THE ENVIRONMENTAL MANAGEMENT COMMISSION; TO INCREASE THE  
5 THRESHOLD FOR DEPARTMENT OF TRANSPORTATION INFORMAL BID  
6 PROCEDURES; TO STUDY STATE PAYMENTS IN LIEU OF TAXES FOR PUBLIC  
7 LANDS; AND TO STUDY THE E911 SYSTEM AND ITS RELATIONSHIP WITH  
8 LOCAL 911 SYSTEMS.

9 The General Assembly of North Carolina enacts:

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

11 "**§ 143-215.1. Control of sources of water pollution; permits required.**

12 ...

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

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30 therein or until rescinded unless modified or revoked by the Commission.  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



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1 authority has been delegated shall establish, maintain, and provide to the  
2 public, upon written request, a list of pretreatment 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 Vacancies on the Commission shall be filled by the same appointing authority that  
43 made the initial appointment.

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

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

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

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

7 **SECTION 3.3.** The Commission shall study issues relating to the development of a  
8 State payment in lieu of taxes for State properties, including wildlife and games lands. The  
9 Commission may consider any other issues deemed relevant.

10 **SECTION 3.4.** 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 2013 Regular Session of the General Assembly in 2014. The  
14 Commission shall terminate upon the filing of its final report or on January 1, 2015, whichever  
15 occurs first.

16 **SECTION 4.1.** There is established the e911 Study Commission. The Commission  
17 shall consist of 13 members appointed as follows:

- 18 (1) Three members of the House of Representatives appointed by the Speaker of  
19 the House of Representatives.
- 20 (2) Three members of the Senate appointed by the President Pro Tempore of the  
21 Senate.
- 22 (3) The Secretary of Public Safety or the Secretary's designee.
- 23 (4) Three members of the public appointed by the Speaker of the House of  
24 Representatives based on the recommendation of the North Carolina  
25 Association of County Commissioners.
- 26 (5) Three members of the public appointed by the President Pro Tempore of the  
27 Senate based on the recommendation of the North Carolina Association of  
28 County Commissioners.

29 **SECTION 4.2.** The Speaker of the House of Representatives and the President Pro  
30 Tempore of the Senate shall each designate a cochair. The Commission may meet at any time  
31 upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its  
32 members.

33 Vacancies on the Commission shall be filled by the same appointing authority that  
34 made the initial appointment.

35 Subject to the approval of the Legislative Services Commission, the Commission  
36 may meet in the Legislative Building or the Legislative Office Building.

37 The Legislative Services Commission, through the Legislative Services Officer,  
38 shall assign professional staff to assist the Commission in its work. The House of  
39 Representatives' and the Senate's Director of Legislative Assistants shall assign clerical support  
40 staff to the Commission, and the expenses relating to the clerical employees shall be borne by  
41 the Commission.

42 The Commission, while in the discharge of its official duties, may exercise all  
43 powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4. The  
44 Commission may contract for professional, clerical, or consultant services as provided by  
45 G.S. 120-32.02.

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

48 **SECTION 4.3.** The Commission shall study issues relating to the e911 fee  
49 structure, its use to support local 911 activities, and the structure of statewide e911 oversight.  
50 The Commission may also consider any other issue that it deems relevant to this study.

1           **SECTION 4.4.** The Commission may make an interim report, including any  
2 legislative recommendations, to the 2013 Regular Session of the General Assembly when it  
3 reconvenes in 2014 and shall submit a final report, including any legislative recommendations,  
4 prior to the convening of the 2013 Regular Session of the General Assembly in 2014. The  
5 Commission shall terminate upon the filing of its final report or on January 1, 2015, whichever  
6 occurs first.

7           **SECTION 5.** Section 1 of this act becomes effective July 1, 2013, and applies to  
8 land application permit applications received on or after that date. Section 2 of this act becomes  
9 effective July 1, 2013, and applies to transportation project bids solicited on or after that date.  
10 The remainder of this act is effective when it becomes law.