

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 471
PROPOSED COMMITTEE SUBSTITUTE H471-PCS70373-TA-13

Short Title: Vance/Warren/Renewable Energy Facility Siting.

(Local)

Sponsors:

Referred to:

April 1, 2013

1 A BILL TO BE ENTITLED
2 AN ACT AUTHORIZING VANCE AND WARREN COUNTIES TO APPROVE A LEASE
3 FOR THE SITING AND OPERATION OF A RENEWABLE ENERGY FACILITY FOR
4 A TERM OF UP TO TWENTY YEARS WITHOUT TREATING THE LEASE AS A
5 SALE OF PROPERTY.

6 The General Assembly of North Carolina enacts:

7 SECTION 1. G.S. 160A-272 reads as rewritten:

8 "§ 160A-272. Lease or rental of property.

9 (a) Any property owned by a city may be leased or rented for such terms and upon such
10 conditions as the council may determine, but not for longer than 10 years (except as otherwise
11 provided herein) and only if the council determines that the property will not be needed by the
12 city for the term of the lease. In determining the term of a proposed lease, periods that may be
13 added to the original term by options to renew or extend shall be included. Property may be
14 rented or leased only pursuant to a resolution of the council authorizing the execution of the
15 lease or rental agreement adopted at a regular council meeting upon 10 days' public notice.
16 Notice shall be given by publication describing the property to be leased or rented, stating the
17 annual rental or lease payments, and announcing the council's intent to authorize the lease or
18 rental at its next regular meeting.

19 (b) No public notice need be given for resolutions authorizing leases or rentals for terms
20 of one year or less, and the council may delegate to the city manager or some other city
21 administrative officer authority to lease or rent city property for terms of one year or less.
22 Leases for terms of more than 10 years shall be treated as a sale of property and may be
23 executed by following any of the procedures authorized for sale of real property.

24 (c) (Effective until June 30, 2015) The council may approve a lease for the siting and
25 operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a
26 term up to 20 years without treating the lease as a sale of ~~property, property and without giving~~
27 ~~notice by publication of the intended lease.~~ This subsection applies to Catawba, Mecklenburg,
28 ~~and Wake~~ Vance, Wake, and Warren Counties, the Cities of Asheville, Raleigh, and
29 Winston-Salem, and the Towns of Apex, Carrboro, Cary, Chapel Hill, Fuquay-Varina, Garner,
30 Holly Springs, Knightdale, Morrisville, Rolesville, Wake Forest, Wendell, and Zebulon only.

31 (c) (Effective June 30, 2015) The council may approve a lease for the siting and
32 operation of a renewable energy facility, as that term is defined in G.S. 62-133.8(a)(7), for a
33 term up to 20 years without treating the lease as a sale of ~~property, property and without giving~~
34 ~~notice by publication of the intended lease.~~ This subsection applies to Catawba, Mecklenburg,
35 ~~and Wake~~ Vance, Wake, and Warren Counties, the Cities of Raleigh and Winston-Salem, and



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1 the Towns of Apex, Cary, Fuquay-Varina, Garner, Holly Springs, Knightdale, Morrisville,
2 Rolesville, Wake Forest, Wendell, and Zebulon only."
3 **SECTION 2.** This act is effective when it becomes law and applies to leases
4 entered into on or after that date.