

# ADOPTED



NORTH CAROLINA GENERAL ASSEMBLY  
AMENDMENT  
House Bill 763

AMENDMENT NO. A2  
(to be filled in by  
Principal Clerk)

H763-ATA-48 [v.7]

Page 1 of 4

Amends Title [NO]  
Third Edition

Date \_\_\_\_\_, 2016

Senator Brown

1 moves to amend the bill on page 7, lines 26 through 34  
2 by rewriting those lines to read:

3  
4 **"§ 143-151.73. Certain buildings and structures prohibited without endorsement.**  
5 (a) No county or city may authorize the construction of and no person may construct a tall  
6 building or structure in any area surrounding a major military installation in this State, unless the  
7 county or city is in receipt of either a letter of endorsement issued to the person by the State  
8 Construction Office pursuant to G.S. 143-151.75 or proof of the State Construction Office's failure  
9 to act within the time allowed pursuant to G.S. 143-151.75.

10 (b) No county or city may authorize the provision of the following utility services to any  
11 building or structure constructed in violation of subsection (a) of this section: electricity,  
12 telephone, gas, water, sewer, or septic system.";

13  
14  
15 and on page 8, lines 7 through 14  
16 by rewriting those lines to read:

17  
18 **"§ 143-151.75. Endorsement for proposed tall buildings or structures required.**  
19 (a) No person shall undertake construction of a tall building or structure in any area  
20 surrounding a major military installation in this State without either first obtaining the  
21 endorsement from the State Construction Office or proof of the State Construction Office's failure  
22 to act within the time allowed.

23 (a1) No person shall undertake construction of a tall building or structure in any area  
24 located within one-quarter mile (1/4 mile) of a National Guard facility without either first  
25 obtaining an endorsement from the State Construction Office or proof of the State Construction  
26 Office's failure to act within the time allowed."

27  
28  
29 and on page 9, line 5  
30 by rewriting that line to read:

31  
32 "~~endorsed~~ eligible by the base commander.";



\* H 7 6 3 - A T A - 4 8 - V - 7 \*

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1 and on page 9, lines 32 and 33  
2 by rewriting those lines to read:

3  
4 "shall construe the Adjutant General's failure to submit the written statement as the  
5 Adjutant General having no objection to the tall building or structure.";

6  
7 and on page 9, lines 38 through 49  
8 by rewriting those lines to read:

9  
10 "(e) The State Construction Office shall make a final decision on the request for  
11 endorsement of a tall building or structure within 90 days from the date on which either (i) the  
12 State Construction Office requested the written statement from the base commander of the major  
13 military installation identified in subdivision (1) of subsection (b) of this section-section or (ii) the  
14 date of the consultation between the person and the Adjutant General conducted in accordance  
15 with subsection (d1) of this section. If the State Construction Office determines that a request for a  
16 tall building or structure fails to meet the requirements for endorsement under this section, the  
17 State Construction Office shall deny the request. The State Construction Office shall notify the  
18 person of the denial, and the notice include a written statement of the reasons for the denial. If the  
19 State Construction Office fails to act within any time period set forth in this section, the person  
20 may treat the failure to act as ~~a decision to endorse the~~ State Construction Office having no  
21 objection to the tall building or structure.";

22  
23  
24 and on page 14, lines 43 through 47  
25 by rewriting those lines to read:

26  
27 **"§ 143B-1315D. Certain buildings and structures prohibited without endorsement.**  
28 (a) No county or city may authorize the construction of and no person may construct a tall  
29 building or structure in any area surrounding a major military installation in this State, unless the  
30 county or city is in receipt of either a letter of endorsement issued to the person by the ~~State~~  
31 ~~Construction Office~~Department pursuant to ~~G.S. 143-151.75~~G.S. 143B-1315F or proof of the  
32 ~~State Construction Office's~~Department's failure to act within the time allowed pursuant to ~~G.S.~~  
33 ~~143-151.75.~~G.S. 143B-1315F.";

34  
35  
36 and on page 15, lines 1 through 7  
37 by rewriting those lines to read:

38  
39 **"§ 143B-1315F. Endorsement for proposed tall buildings or structures required.**  
40 (a) No person shall undertake construction of a tall building or structure in any area  
41 surrounding a major military installation in this State without either first obtaining the  
42 endorsement from the ~~State Construction Office~~Department or proof of the ~~State Construction~~  
43 ~~Office's~~Department's failure to act within the time allowed.

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1 (a1) No person shall undertake construction of a tall building or structure in any area  
2 located within one-quarter mile (1/4 mile) of a National Guard facility without either first  
3 obtaining an endorsement from the ~~State Construction Office~~Department or proof of the ~~State~~  
4 ~~Construction Office's~~Department's failure to act within the time allowed.";

5  
6  
7 and on page 15, lines 49 and 50  
8 by rewriting those lines to read:

9  
10 "shall deem the tall building or structure as eligible by the base commander.";

11  
12  
13 and on page 16, lines 27 through 30  
14 by rewriting those lines to read:

15  
16 "the date of the consultation between the person and the Adjutant General, the ~~State~~  
17 ~~Construction Office~~Department shall construe the Adjutant General's failure to  
18 submit the written statement as the Adjutant General having no objection to the  
19 tall building or structure.";

20  
21  
22 and on page 16 lines 35 through 47  
23 by rewriting those lines to read:

24  
25 "(e) The ~~State Construction Office~~Department shall make a final decision on the request for  
26 endorsement of a tall building or structure within 90 days from the date on which either (i) the  
27 ~~State Construction Office~~Department requested the written statement from the base commander of  
28 the major military installation identified in subdivision (1) of subsection (b) of this section or (ii)  
29 the date of the consultation between the person and the Adjutant General conducted in accordance  
30 with subsection (d1) of this section. If the ~~State Construction Office~~Department determines that a  
31 request for a tall building or structure fails to meet the requirements for endorsement under this  
32 section, the ~~State Construction Office~~Department shall deny the request. The ~~State Construction~~  
33 ~~Office~~Department shall notify the person of the denial, and the notice shall include a written  
34 statement of the reasons for the denial. If the ~~State Construction Office~~Department fails to act  
35 within any time period set forth in this section, the person may treat the failure to act as the ~~State~~  
36 ~~Construction Office~~Department having no objection to the tall building or structure.".

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SIGNED \_\_\_\_\_  
Amendment Sponsor

SIGNED \_\_\_\_\_  
Committee Chair if Senate Committee Amendment

ADOPTED \_\_\_\_\_ FAILED \_\_\_\_\_ TABLED \_\_\_\_\_

**The official copy of this document, with signatures  
and vote information, is available in the  
Senate Principal Clerk's Office**