

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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SENATE BILL 433  
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House Committee Substitute Favorable 6/26/19  
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Fifth Edition Engrossed 10/2/19  
Proposed Conference Committee Substitute S433-PCCS25009-BRy-4

Short Title: DNCR Omnibus & Other Changes.

(Public)

Sponsors:

Referred to:

April 1, 2019

A BILL TO BE ENTITLED

AN ACT TO MAKE VARIOUS CHANGES TO THE STATUTES GOVERNING THE DEPARTMENT OF NATURAL AND CULTURAL RESOURCES AND TO REMOVE CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC PRESERVE, AS RECOMMENDED BY THE DEPARTMENT; TO AMEND CERTAIN REPORTS OF THE NORTH CAROLINA POLICY COLLABORATORY TO THE GENERAL ASSEMBLY; TO CLARIFY CERTAIN APPROPRIATIONS IN THE 2018 HURRICANE FLORENCE DISASTER RECOVERY ACT; TO CORRECT AN EFFECTIVE DATE; TO REPEAL AND REPLACE AN ACT PROVIDING FOR EMERGENCY OPERATING FUNDS FOR UTILITIES; TO ADJUST FOR INFLATION THE THRESHOLD FOR DEPARTMENT OF ADMINISTRATION APPROVAL OF STATE LEASES; AND TO CLARIFY AND AMEND THE SEPTIC TANK SITE SUITABILITY DETERMINATION PROCESS.

The General Assembly of North Carolina enacts:

**ZOOLOGICAL PARK STATUTORY AUTHORITY**

**SECTION 1.(a)** The title of Part 39 of Article 2 of Chapter 143B of the General Statutes reads as rewritten:

"Part 39. North Carolina Zoological ~~Park Council~~ Park."

**SECTION 1.(b)** Part 39 of Article 2 of Chapter 143B of the General Statutes, as amended by subsection (a) of this section, is amended by adding a new section to read:

**"§ 143B-135.204. Powers and duties of the Secretary.**

(a) Operation of Park. – The Secretary of the Department of Natural and Cultural Resources may adopt rules governing the operation of the Zoological Park, including rules regulating its use and enjoyment by the public.

(b) Park Property. – The Secretary of the Department of Natural and Cultural Resources may acquire, dispose of, and develop Zoological Park property, both real and personal. A sale, lease, or trade under this subsection must be conducted in accordance with generally accepted practices for zoos and aquariums that are accredited by the American Association of Zoos and Aquariums."

**REDUCE CERTAIN CLASS 3 MISDEMEANORS TO INFRACTIONS AT STATE PARKS**



\* S 4 3 3 - P C C S 2 5 0 0 9 - B R Y - 4 \*

1           **SECTION 2.(a)** G.S. 143B-135.16(a) reads as rewritten:

2   "**§ 143B-135.16. Control over State parks; operation of public service facilities; concessions**  
3   **to private concerns; authority to charge fees and adopt rules.**

4       (a)   The Department shall make reasonable rules governing the use by the public of State  
5   parks and State lakes under its charge. These rules shall be posted in conspicuous places on and  
6   adjacent to the properties of the State and at the courthouse of the county or counties in which  
7   the properties are located. A violation of these rules is punishable as a Class 3 misdemeanor.  
8   Notwithstanding any other provision of law, violations of rules regarding the following shall be  
9   punishable as an infraction and carry a penalty of not more than twenty-five dollars (\$25.00):

10           (1)   Parking a motor vehicle outside of a designated area.

11           (2)   Persons using skateboards, rollerblades, roller skates, or similar devices in  
12           prohibited areas.

13           (3)   Persons bathing animals or washing clothes or motor vehicles.

14           (4)   Persons bathing, wading, surfing, diving, scuba diving, or swimming in  
15           undesignated areas.

16           (5)   Persons carrying or depositing glass, crockery, or any metallic substance on a  
17           swimming area or beach.

18           (6)   Persons using boats, rafts, surfboards, personal watercraft, canoes, or other  
19           vessels in designated swimming areas.

20           (7)   Persons fishing in nondesignated areas.

21       A person found responsible for a violation carrying a penalty of an infraction of this section  
22   shall not be assessed court costs for the infraction."

23           **SECTION 2.(b)** This section becomes effective December 1, 2019, and applies to  
24   offenses committed on or after that date.

## 25   **CLARIFY EMPLOYMENT STATUS FOR CERTAIN MUSEUM OF ART EMPLOYEES**

26           **SECTION 3.** G.S. 140-5.15 reads as rewritten:

27   "**§ 140-5.15. Director of Museum of Art; appointment; dismissal; powers and duties; staff.**

28   ...

29       (e)   The Director, associate directors, and curators shall be exempt from the provisions of  
30   the North Carolina Human Resources Act. ~~The Board of Trustees shall adopt, subject to the~~  
31   ~~approval of the Secretary of Natural and Cultural Resources, rules and regulations governing the~~  
32   ~~employment, promotion, demotion, and dismissal of associate directors and curators."~~  
33

## 34   **TECHNICAL CORRECTION**

35           **SECTION 4.** G.S. 113A-129.3(b) reads as rewritten:

36       (b)   To the extent feasible, lands and waters within this system shall be dedicated as  
37   components of the "State Nature and Historic Preserve" as provided in Article XIV, Section 5,  
38   of the Constitution and as nature reserves pursuant to ~~G.S. 113A-164.1 to G.S.~~  
39   ~~113A-164.11.~~ G.S. 143B-135.250 to G.S. 143B-135.270."  
40

## 41   **REMOVAL OF CERTAIN LANDS FROM THE STATE NATURE AND HISTORIC** 42   **PRESERVE**

43           **SECTION 5.** G.S. 143-260.10 reads as rewritten:

44   "**§ 143-260.10. Components of State Nature and Historic Preserve.**

45       The following are components of the State Nature and Historic Preserve accepted by the  
46   North Carolina General Assembly pursuant to G.S. 143-260.8:

47   ...

48       (2)   All lands and waters within the boundaries of William B. Umstead State Park  
49   as of May 2, 2017, with the exception of the following tracts. The tracts  
50   excluded from the State Nature and Historic Preserve under this subdivision  
51

are deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

a. Tract Number 65, containing 22.93140 acres as shown on a survey prepared by John S. Lawrence (RLS) and Bennie R. Smith (RLS), entitled "Property of The State of North Carolina William B. Umstead State Park", dated January 14, 1977 and filed in the State Property Office, which was removed from the State Nature and Historic Preserve by Chapter 450, Section 1 of the 1985 Session Laws. ~~The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of William B. Umstead State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.~~

b. The portion of that certain tract or parcel of property at William B. Umstead State Park in Wake County, described in Deed Book 13337, Page 2379, and containing 0.15 acres as shown on the survey prepared by Robert T. Newcomb (RLS) entitled "Property of Robert J. Demartini," dated August 1981.

...

(12) All lands and waters located within the boundaries of Hanging Rock State Park as of May 2, 2017, with the exception of the following ~~tract:~~ tracts:

a. The portion of that tract or property at Hanging Rock State Park in Stokes County, Danbury Township, described in Deed Book 360, Page 160, for a 30-foot wide right-of-way beginning approximately 183 feet south of SR 1001 and extending in a southerly direction approximately 1,479 feet to the southwest corner of the Bobby Joe Lankford tract and more particularly shown on a survey entitled, "J. Spot Taylor Heirs Survey, Danbury Township, Stokes County, N.C.", by Grinski Surveying Company, dated June 1985, and filed in the State Property Office. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54.

b. The portion of that certain tract or parcel of property at Hanging Rock State Park in Stokes County, described in Deed Book 267, Page 159, and containing 1.53 acres as shown on the survey entitled "Plat of Survey for NC Division of Parks and Recreation showing 'Camp Sertoma Tracts'" by C.E. Robertson and Associates, PC, revised April 6, 2016. The tract excluded from the State Nature and Historic Preserve under this subdivision is deleted from the State Parks System in accordance with G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Hanging Rock State Park or sell and use the proceeds for that purpose. The State of North Carolina may not otherwise sell or exchange this land.

...

(21) All lands and waters within the boundaries of Chimney Rock State Park as of May 2, 2017, with the exception of the following tracts:

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- a. The portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County being a portion of Parcel 2 as described in Deed Book 933, Page 598, containing 346 square feet and being shown as proposed right-of-way for bridge replacement project B-4258 on U.S. 64 over the Broad River on drawing prepared by Kimley-Horn and Associates for the North Carolina Department of Transportation and revised October 26, 2007, and filed with the State Property Office. The portion of that certain tract or parcel of land at Chimney Rock State Park in Polk County, Cooper Gap Township, Deed Book 393, Page 1402, containing 6.5 acres more or less and shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The tracts excluded from the State Nature and Historic Preserve under this section are deleted from the State Parks System pursuant to G.S. 143B-135.54. The State of North Carolina may only exchange this land for other land for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State may not otherwise sell or exchange this land.
- b. With respect to the communications tower site on Chimney Rock Mountain located on a portion of that certain tract or parcel of land at Chimney Rock State Park in Rutherford County, Chimney Rock Township, described in Deed Book 933, Page 598, the State may provide space at the communications tower site to State public safety, emergency management, local governments in Rutherford County, and public television agencies for the placement of antennas, repeaters, and other communications devices for public communications purposes. State agencies and local governments that are authorized to place communications devices at or near the communications tower site pursuant to this subdivision may also locate at or near the communications tower site communications equipment necessary for the proper operation of the communications devices. The use of the communications tower site pursuant to this subdivision is authorized by the General Assembly as a purpose other than the public purposes specified in Section 5 of Article XIV of the North Carolina Constitution, Article 25B of Chapter 143 of the General Statutes, and Article 2 of Chapter 143B of the General Statutes.
- c. The portion of that certain tract or parcel of property at Chimney Rock State Park in Polk County, Cooper Gap Township, described in Deed Book 393, Page 1402, containing 28.84 acres, as shown on the survey entitled "Plat of Survey for The State of North Carolina" prepared by Stacy Kent Rhodes dated May 15, 2014, and filed with the State Property Office. The property described in this subdivision is deleted from the State Parks System pursuant to G.S. 143B-135.54. The State may only exchange this property for other property for the expansion of Chimney Rock State Park or sell this land and use the proceeds for that purpose. The State shall not otherwise sell or exchange this land.

...."

**DNCR PARTNERSHIP WITH NONPROFITS TO ESTABLISH SATELLITE MUSEUMS**

**SECTION 6.** G.S. 143B-135.229 reads as rewritten:

1 "**§ 143B-135.229. North Carolina Museum of Natural Sciences at Whiteville; Sciences'**  
2 **satellite museum.museums.**

3 (a) The Department of Natural and Cultural Resources shall establish and administer the  
4 North Carolina Museum of Natural Sciences at Whiteville in Columbus County as a satellite  
5 museum of the North Carolina State Museum of Natural Sciences.

6 (b) The Department of Natural and Cultural Resources may enter into agreements with  
7 nonprofit organizations to establish satellite museums of the North Carolina State Museum of  
8 Natural Sciences that are administered by the nonprofit organizations and meet the requirements  
9 of G.S. 143B-135.227(d)(1)-(5)."

## 10 11 **COLLABORATORY/FIREFIGHTING FOAM**

12 **SECTION 7.(a)** The North Carolina Policy Collaboratory at the University of North  
13 Carolina at Chapel Hill (Collaboratory) shall create an inventory of aqueous film-forming foam  
14 (AFFF) used or stored by fire departments in North Carolina operated, managed, or overseen by  
15 units of local government, including those located at or serving airports. This inventory shall  
16 include, at a minimum, the following:

- 17 (1) The name and address of each fire department that owns or otherwise has on  
18 the premises of a fire station a firefighting vehicle that carries AFFF or a  
19 storage tank or other vessel for AFFF.
- 20 (2) The volume, trade name, and CAS number of AFFF used by each department  
21 in 2018 for fighting fires or firefighter training.
- 22 (3) The number of firefighting vehicles carrying AFFF and the volume of AFFF  
23 carried by each vehicle.
- 24 (4) Each fire department's annual cost of acquiring AFFF and last known  
25 purchases of AFFF.
- 26 (5) The volume, trade name, and CAS number of AFFF stored by each fire  
27 department or unit of local government for firefighting use and the portion of  
28 these AFFFs that are no longer utilized and could be removed from inventory  
29 for disposal.
- 30 (6) Other data deemed relevant by the Collaboratory to establish a statewide  
31 inventory of AFFF used for fighting fires or firefighter training.

32 The Office of the State Fire Marshal of the Department of Insurance and all units of  
33 local government shall provide any assistance requested by the Collaboratory to acquire and  
34 compile the data required by this section.

35 **SECTION 7.(b)** The North Carolina Policy Collaboratory at the University of North  
36 Carolina at Chapel Hill (Collaboratory) shall develop a proposal for identifying and collecting  
37 AFFF that is expired or no longer needed or wanted by each fire department in North Carolina  
38 operated, managed, or overseen by units of local government, including those located at or  
39 serving airports. This proposal should include recommendations on which State agency or  
40 agencies could oversee such a collection effort and cost estimates on this collection, stockpiling,  
41 and disposal. The Department of Insurance Office of the State Fire Marshal, the Department of  
42 Environmental Quality, the Department of Health and Human Services, and the Department of  
43 Public Safety shall provide any assistance requested by the Collaboratory to acquire and compile  
44 the data required by this section.

45 **SECTION 7.(c)** The Collaboratory shall submit an interim report with the results of  
46 the studies required by subsections (a) and (b) of this section no later than April 1, 2020, and a  
47 final report no later than October 15, 2020, to the Joint Legislative Oversight Committee on  
48 Agriculture and Natural and Economic Resources and the Environmental Review Commission.

49 **SECTION 7.(d)** Section 13.1(g) of S.L. 2018-5 reads as rewritten:

50 **"SECTION 13.1.(g)** The North Carolina Policy Collaboratory at the University of North  
51 Carolina at Chapel Hill (Collaboratory) shall identify faculty expertise, technology, and

1 instrumentation, including mass spectrometers, located within institutions of higher education in  
2 the State, including the Universities of North Carolina at Chapel Hill and Wilmington, North  
3 Carolina State University, North Carolina A&T State University, Duke University, and other  
4 public and private institutions, and coordinate these faculty and resources to conduct nontargeted  
5 analysis for PFAS, including GenX, at all public water supply surface water intakes and one  
6 public water supply well selected by each municipal water system that operates groundwater  
7 wells for public drinking water supplies as identified by the Department of Environmental  
8 Quality, to establish a water quality baseline for all sampling sites. The Collaboratory, in  
9 consultation with the participating institutions of higher education, shall establish a protocol for  
10 the baseline testing required by this subsection, as well as a protocol for periodic retesting of the  
11 municipal intakes and additional public water supply wells. No later than ~~December 1, 2019,~~  
12 October 15, 2020, the Collaboratory shall report the results of such sampling by identifying  
13 chemical families detected at each intake to the Joint Legislative Oversight Committee on  
14 Agriculture and Natural and Economic Resources, the Environmental Review Commission, the  
15 Department of Environmental Quality, the Department of Health and Human Services, and the  
16 United States Environmental Protection Agency."  
17

## 18 COASTAL BEACH AND DREDGING NEEDS ASSESSMENT FUNDS

19 **SECTION 8.** Notwithstanding any provision of the 2018 Hurricane Florence  
20 Disaster Recovery Act (S.L. 2018-136) or of the committee report described in Section 6.1 of  
21 that act to the contrary, funds appropriated to the Hurricane Florence Disaster Recovery Fund  
22 and allocated to the Department of Environmental Quality for a coastal beach and dredging needs  
23 assessment may be used for a dredge material management plan to assess any nonfederal disposal  
24 area for dredged material in the State.  
25

## 26 CLARIFY CERTAIN COASTAL STORM DAMAGE MITIGATION FUND MATCH 27 REQUIREMENTS

28 **SECTION 9.** Subdivision (8) of Section 1.3 of S.L. 2018-138 reads as rewritten:

29 "(8) Eighteen million five hundred thousand dollars (\$18,500,000) to the  
30 Department of Environmental Quality for the Coastal Storm Damage  
31 Mitigation Fund. Notwithstanding G.S. 143-215.73M(c), funds allocated by  
32 this subdivision may be used to provide no more than fifty percent (50%) of  
33 the ~~nonfederal share for a federally funded eligible project, and no more than~~  
34 ~~fifty percent (50%) of the total cost of an eligible project that is not federally~~  
35 ~~funded.~~ total cost of an eligible project. Notwithstanding G.S. 143C-4-5, the  
36 Department shall disburse the funds for any eligible project in a single  
37 payment upon the execution of a grant contract between the State and a unit  
38 of local government. If an eligible project receiving State funding under this  
39 section subsequently receives federal funding, the unit of local government  
40 designated as the grantee under the grant contract shall revert to the Office of  
41 State Budget and Management the portion of State funds that have been  
42 reimbursed by the federal funding. For purposes of this subdivision, an  
43 "eligible project" is a project that mitigates or remediates coastal storm  
44 damage to the ocean beaches and dune systems of the State."  
45

## 46 CLARIFY COASTAL STORM DAMAGE MITIGATION FUNDING

47 **SECTION 9.5.** Notwithstanding any provision of Section 3.1 of S.L. 2018-134 to  
48 the contrary, funds appropriated to the Hurricane Florence Disaster Recovery Fund and allocated  
49 to the Department of Environmental Quality for the Coastal Storm Damage Mitigation Fund  
50 (Fund) by any act of the General Assembly may be used for coastal storm damage in any county  
51 designated under a major disaster declaration by the President of the United States under the

1 Stafford Act (P.L. 93-288) with respect to any natural disaster occurring after January 1, 2016,  
2 causing damage to the ocean beaches and dune systems in that county. No recipient of funds  
3 described by this section shall be required to determine which major disaster caused particular  
4 coastal storm damage.

#### 6 **EFFECTIVE DATE CORRECTION**

7 **SECTION 10.(a)** If Senate Bill 553, 2019 Regular Session, becomes law, then  
8 Section 12(b) of that act reads as rewritten:

9 "**SECTION 12.(b)** This section becomes effective ~~July 1, 2019,~~ December 1, 2019, and  
10 applies to applications for loans or grants from the Wastewater Reserve or the Drinking Water  
11 Reserve received by the Division of Water Infrastructure on or after that date."

12 **SECTION 10.(b)** This section becomes effective July 1, 2019.

#### 14 **EMERGENCY OPERATING FUNDS FOR UTILITIES**

15 **SECTION 11.(a)** S.L. 2019-226 is repealed. This subsection does not affect the  
16 rights, obligations, or liabilities of the State or a unit of local government arising under S.L.  
17 2019-226 as it existed prior to repeal.

18 **SECTION 11.(b)** Notwithstanding G.S. 159G-33(a) and G.S. 159B-34(a), during  
19 the 2019-2020 fiscal year, the Department may use funds in the Wastewater Reserve or the  
20 Drinking Water Reserve to provide grants to the Local Government Commission to cover  
21 operating deficits in an enterprise fund accounting for a public water or wastewater system. For  
22 purposes of this section, "operating deficit" is defined as a shortfall in an enterprise fund  
23 accounting for a public water or wastewater system between revenues plus available reserves and  
24 operating expenditures, including capital expenditures, necessary to maintain operations.

25 Funding provided by this section is available only under either of the following  
26 circumstances:

- 27 (1) The Local Government Commission has exercised its powers under  
28 G.S. 159-181 to assume full or partial control over the affairs of the public  
29 water or wastewater system or of the unit of local government or public  
30 authority that owns or operates the public water or wastewater system.
- 31 (2) The charter of the unit of local government or public authority that owns or  
32 operates the public water or wastewater system has been suspended or revoked  
33 by local act.

34 **SECTION 11.(c)** Funds for the purposes described in subsection (b) of this section  
35 may not exceed one million dollars (\$1,000,000) in each fiscal year. An application for a grant  
36 under this section for an emergency grant for operating deficits must be filed by the Local  
37 Government Commission on behalf of the local government unit. Applications for emergency  
38 grants for operating deficits are not subject to G.S. 159G-37(b).

39 **SECTION 11.(d)** If Senate Bill 553, 2019 Regular Session; House Bill 966, 2019  
40 Regular Session; or legislation substantially similar to Section 12.15 of House Bill 966, 2019  
41 Regular Session, becomes law, then G.S. 159G-20 is amended by adding a new subdivision to  
42 read:

43 "(14a) Operating deficit. – A shortfall in an enterprise fund accounting for a public  
44 water or wastewater system between revenues plus available reserves and  
45 operating expenditures, including capital expenditures, necessary to maintain  
46 operations."

47 **SECTION 11.(e)** If Senate Bill 553, 2019 Regular Session; House Bill 966, 2019  
48 Regular Session; or legislation substantially similar to Section 12.15 of House Bill 966, 2019  
49 Regular Session, becomes law, then G.S. 159G-32(d) is amended by adding a new subdivision  
50 to read:

1           "(6) Provide emergency grants for operating deficits for certain local government  
2           units as set forth in G.S. 159G-34.5(a)(4)."

3           **SECTION 11.(f)** If Senate Bill 553, 2019 Regular Session; House Bill 966, 2019  
4 Regular Session; or legislation substantially similar to Section 12.15 of House Bill 966, 2019  
5 Regular Session, becomes law, then G.S. 159G-34.5(a) is amended by adding a new subdivision  
6 to read:

7           "(4) Emergency grant for operating deficit. – An emergency grant for operating  
8           deficits is available for distressed units if the Local Government Commission  
9           has exercised its powers under G.S. 159-181 to assume full or partial control  
10           over the affairs of the public water or wastewater system or of the unit of local  
11           government or public authority that owns or operates the public water or  
12           wastewater system."

13           **SECTION 11.(g)** If Senate Bill 553, 2019 Regular Session; House Bill 966, 2019  
14 Regular Session; or legislation substantially similar to Section 12.15 of House Bill 966, 2019  
15 Regular Session, becomes law, then G.S. 159G-36(d) reads as rewritten:

16           "(d) Viable Utility Reserve Recipient Limit. – Grants under the Viable Utility Reserve are  
17 limited as follows:

18           (1) Grants for the purposes set forth in subdivisions (1) through (5) of  
19           G.S. 159-32(d) shall not exceed fifteen million dollars (\$15,000,000) to any  
20           single local government unit. Where two or more local government units are  
21           merging into a single utility, the total grant awarded shall not exceed thirty  
22           million dollars (\$30,000,000).

23           (2) Grants for the purpose set forth in subdivision (6) of G.S. 159-32(d) to a local  
24           government unit shall not (i) exceed seven hundred fifty thousand dollars  
25           (\$750,000) in any fiscal year and (ii) be awarded for more than three  
26           consecutive fiscal years."

27           **SECTION 11.(h)** If Senate Bill 553, 2019 Regular Session; House Bill 966, 2019  
28 Regular Session; or legislation substantially similar to Section 12.15 of House Bill 966, 2019  
29 Regular Session, becomes law, then G.S. 159G-31 is amended by adding a new subsection to  
30 read:

31           "(e) The Local Government Commission is eligible to apply on behalf of a local  
32 government unit for an emergency grant for operating deficits from the Viable Utility Reserve."

33           **SECTION 11.(i)** This section is effective when it becomes law. Subsections (b) and  
34 (c) of this section expire on the earlier of (i) the date that House Bill 966, 2019 Regular Session,  
35 becomes law or (ii) June 30, 2020.

36  
37 **ADJUST FOR INFLATION THE THRESHOLD FOR DEPARTMENT OF**  
38 **ADMINISTRATION APPROVAL OF STATE LEASES**

39           **SECTION 12.** G.S. 146-25.1 reads as rewritten:

40           "**§ 146-25.1. Proposals to be secured for leases.**

41           (a) If pursuant to G.S. 146-25, the Department of Administration determines that it is in  
42 the best interest of the State to lease or rent land and the rental is estimated to exceed ~~twenty-five~~  
43 ~~thousand dollars (\$25,000)~~ forty thousand dollars (\$40,000) per year or the term will exceed three  
44 years, the Department shall require the State agency desiring to rent land to prepare and submit  
45 for its approval a set of specifications for its needs. Upon approval of specifications, the  
46 Department shall prepare a public advertisement. The State agency shall place such  
47 advertisement in a newspaper of general circulation in the county for proposals from prospective  
48 lessors of said land and shall make such other distribution thereof as the Department directs. The  
49 advertisement shall be run for at least five consecutive days, and shall provide that proposals  
50 shall be received for at least seven days from the date of the last advertisement in the State



1 Property Office of the Department. The provisions of this section do not apply to property owned  
2 by governmental agencies and leased to other governmental agencies.

3 (b) The Department may negotiate with the prospective lessors for leasing of the needed  
4 land, taking into account not only the rental offered, but the type of land, the location, its  
5 suitability for the purposes, services offered by the lessor, and all other relevant factors. In the  
6 event either no proposal or no acceptable proposal is received after advertising in accordance  
7 with subsection (a) of this section, the Department may negotiate in the open market for leasing  
8 of the needed land.

9 (c) The Department of Administration shall present the proposed transaction to the  
10 Council of State for its consideration as provided by this Article. In the event the lowest rental  
11 proposed is not presented to the Council of State, that body may require a statement of  
12 justification, and may examine all proposals."  
13

#### 14 **CLARIFY AND AMEND SEPTIC TANK SITE SUITABILITY DETERMINATION** 15 **PROCESS**

16 **SECTION 13.** If Senate Bill 553 of the 2019 Regular Session of the 2019 General  
17 Assembly becomes law, then G.S. 130A-335 reads as rewritten:

18 "**§ 130A-335. Wastewater collection, treatment and disposal; rules.**

19 ...

20 (j) Notwithstanding any other provision of law, a local health department may determine  
21 site suitability for a ground absorption sewage treatment and disposal system under rules adopted  
22 by the ~~Commission~~ Commission, or site suitability may be determined pursuant to  
23 G.S. 130A-336.1 where all of the following are indicated if substantiating data indicates the  
24 system can be expected to function satisfactorily and all of the following apply:

- 25 (1) The system can be installed so that the effluent will be nonpathogenic,  
26 noninfectious, nontoxic, and nonhazardous.
- 27 (2) The effluent will not contaminate groundwater or surface water.
- 28 (3) The effluent will not be exposed on the ground surface or be discharged to  
29 surface waters where it could come into contact with people, animals, or  
30 vectors.

31 (k) A registered environmental health specialist employed by, or under contract with, a  
32 local health department who determines site suitability in accordance with subsection (j) of this  
33 section shall not be considered an authorized agent of the Department. The Department shall  
34 have no liability for wastewater systems designed, constructed, and installed pursuant to  
35 subsection (j) of this section."  
36

#### 37 **EFFECTIVE DATE**

38 **SECTION 14.** Except as otherwise provided, this act is effective when it becomes  
39 law.