

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2019

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HOUSE BILL 1205  
PROPOSED COMMITTEE SUBSTITUTE H1205-PCS40667-MQa-16

Short Title: Expedited State Leasing-Broadband.

(Public)

Sponsors:

Referred to:

May 27, 2020

1 A BILL TO BE ENTITLED  
2 AN ACT TO STREAMLINE THE PREPARATION AND FINALIZATION OF NEW LEASES  
3 AND LEASE RENEWALS ON STATE PROPERTY TO EXPEDITE DEPLOYMENT OF  
4 BROADBAND INFRASTRUCTURE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1. G.S. 146-29.2 reads as rewritten:

7 "§ 146-29.2. Lease or interest in real property for communication purposes.

8 ...

9 (b1) The State shall allow the collocation, installation, and operation of equipment by a  
10 broadband provider on any existing structure owned by the State and shall lease real property, or  
11 grant an easement or license with an interest in real property, for the purposes of construction  
12 and placement of broadband infrastructure on State land. A disposition entered into pursuant to  
13 this subsection is voidable by the Governor and Council of State for specific reasons or causes  
14 that shall be cited. A determination for a disposition under this subsection shall be made subject  
15 to the following:

16 (1) For new requests, the Department of Administration shall prepare and finalize  
17 the lease agreement within four months of the receipt of the lease application  
18 by the controlling agency. An agency controlling the subject property shall  
19 coordinate with the Department in preparing the complete application package  
20 for the lease request. If, after four months have elapsed since the controlling  
21 agency received the lease application, the lease agreement has not been  
22 finalized, the Department shall enter into a lease agreement with the applicant  
23 according to the terms submitted in the application.

24 (2) For renewals, the Department of Administration shall prepare and finalize the  
25 lease agreement within two months of receiving the application. If the  
26 Department is unable to finalize the renewed lease at least two months prior  
27 to the termination of the current lease, then the terms of the current lease shall  
28 continue until the lease is finalized.

29 (3) The Department of Administration shall coordinate with the Department of  
30 Information Technology to develop a streamlined lease development process  
31 using state-of-the-art technology, including video conferencing, to facilitate  
32 and expedite process completion. All State agencies shall cooperate with and  
33 participate in the streamlined lease development process to ensure that  
34 finalized lease agreement is prepared and finalized within the time frames  
35 required under this subsection.

36 ...."



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1           **SECTION 2.(a)** There is appropriated from the General Fund to the Department of  
2 Administration the sum of two hundred fifty thousand dollars (\$250,000) in recurring funds for  
3 the 2020-2021 fiscal year to be used to retain, by contract, personnel to administer the  
4 communication lease review process outlined in this act.

5           **SECTION 2.(b)** Of the funds appropriated to the Department in this section, an  
6 amount not exceeding the sum of ninety thousand dollars (\$90,000) may be used to retain the  
7 services of a real estate appraiser, licensed pursuant to Chapter 93E of the General Statutes, who  
8 holds a MAI designation from the Appraisal Institute, or a qualified real estate service firm that  
9 provides relevant valuation and advisory services, and an amount not exceeding one hundred  
10 sixty thousand dollars (\$160,000) may be used to retain the services of an attorney, licensed  
11 pursuant to Chapter 84 of the General Statutes, who holds a current certification in real property  
12 law.

13           **SECTION 3.** This act becomes effective July 1, 2020, and applies to applications  
14 for new leases and lease renewals submitted on or after that date. This act expires on January 1,  
15 2025.