



SENATE BILL 301:
Department of Transportation/Purchase of
Contaminated Land

2015-2016 General Assembly

Committee:

Introduced by:

Analysis of: S.L. 2015-106

Date:

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 Staff Attorney

SUMMARY: *S.L. 2015-106 exempts the Department of Transportation from the State law requirement for approval by the Governor and Council of State prior to purchase of contaminated property.*

This act became effective June 24, 2015.

CURRENT LAW: Under current G.S. 133-40, the State and the Community College System are prohibited from purchasing any real property with known contamination¹, unless approval of the Governor and the Council of State is granted prior to the purchase.

The public entity seeking to purchase or otherwise acquire an ownership interest in such property must petition the Governor and Council of State for approval of the transaction, with sufficient information on each of the following:

- Identification the property.
- The nature and extent of the contamination present.
- A plan of paying for the project and for remediation of any contamination without the use of General Fund appropriations.

The Governor, acting with the approval of the Council of State, may delegate the review and approval of such transactions as the Governor deems advisable.

Exempted from this requirement are situations in which a public entity acquires ownership or control of real property involuntarily, such as from bankruptcy, tax delinquency, abandonment, or other circumstances in which the public entity involuntarily acquires title by virtue of its function as a sovereign.

BILL ANALYSIS: This act exempts the Department of Transportation from the requirement for approval by the Governor and Council of State prior to purchase of contaminated property when acquiring land, gravel, gravel beds or bars, sand, sand beds or bars, rock, stone, boulders, quarries, or

¹ "Contamination" is defined in G.S. 130A -310.65

"§ 130A-310.65. Definitions.

As used in this Part:

...

(3) "Contaminant" means any substance regulated under any program listed in G.S. 130A-310.67(a).

...

(5) "Contamination" means a contaminant released into an environmental medium that has resulted in or has the potential to result in an increase in the concentration of the contaminant in the environmental medium in excess of unrestricted use standards.

..."

O. Walker Reagan
 Director



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quarry beds, lime or other earth or mineral deposits or formations, and such standing timber as it may deem necessary and suitable for transportation infrastructure construction, either in by easement or in fee simple.

EFFECTIVE DATE: This act became effective when it became law, June 24, 2015.

BACKGROUND: According to Mike Holder, Chief Engineer, Division of Highways, DOT is buying contaminated properties only when necessary for DOT construction projects.

Erika Churchill, counsel to House Judiciary I, substantially contributed to this summary.