

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015**

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HOUSE BILL 430*

Short Title: County Omnibus Legislation. (Public)

Sponsors: Representatives McElraft, Carney, and McGrady (Primary Sponsors).
For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Environment, if favorable, Finance.

April 1, 2015

A BILL TO BE ENTITLED

1 AN ACT REESTABLISHING THE STATE PAYMENT IN LIEU OF TAXES STUDY
2 COMMISSION; DIRECTING THE ENVIRONMENTAL REVIEW COMMISSION TO
3 STUDY ISSUES RELATING TO STATEWIDE APPROACHES TO CONTROL
4 INVASIVE AQUATIC NOXIOUS WEEDS IN THE STATE'S WATERS; DIRECTING
5 THE REVENUE LAWS COMMITTEE TO STUDY ISSUES RELATING TO THE
6 FINANCIAL IMPACTS ON LOCAL GOVERNMENTS OF EXEMPTING
7 PREVIOUSLY TAXABLE PROPERTIES FROM THE PROPERTY TAX BASE WHEN
8 ACQUIRED BY NONPROFITS; AND CLARIFYING THE AUTHORITY OF
9 COUNTIES TO ESTABLISH RESIDENTIAL RECYCLABLE MATERIALS
10 COLLECTION PROGRAMS.
11

12 The General Assembly of North Carolina enacts:

13 **SECTION 1.(a)** The State Payment in Lieu of Taxes Study Commission is
14 established. The Commission shall consist of 13 members appointed as follows:

- 15 (1) Three members of the House of Representatives appointed by the Speaker of
16 the House of Representatives.
- 17 (2) Three members of the Senate appointed by the President Pro Tempore of the
18 Senate.
- 19 (3) The Secretary of Revenue or the Secretary's designee.
- 20 (4) Three members of the public appointed by the Speaker of the House of
21 Representatives, two based on the recommendation of the North Carolina
22 Association of County Commissioners and one based on the
23 recommendation of the North Carolina League of Municipalities.
- 24 (5) Three members of the public appointed by the President Pro Tempore of the
25 Senate, two based on the recommendation of the North Carolina Association
26 of County Commissioners and one based on the recommendation of the
27 North Carolina League of Municipalities.

28 **SECTION 1.(b)** The Speaker of the House of Representatives and the President
29 Pro Tempore of the Senate shall each designate a cochair. The Commission may meet at any
30 time upon the joint call of the cochairs. A quorum of the Commission shall be a majority of its
31 members. No action may be taken except by a majority vote at a meeting at which a quorum is
32 present.

33 **SECTION 1.(c)** Vacancies on the Commission shall be filled by the same
34 appointing authority that made the initial appointment.



1 **SECTION 1.(d)** Subject to the approval of the Legislative Services Commission,
2 the Commission may meet in the Legislative Building or the Legislative Office Building.

3 **SECTION 1.(e)** The Legislative Services Commission, through the Legislative
4 Services Officer, shall assign professional staff to assist the Commission in its work. The
5 House of Representatives' and the Senate's Director of Legislative Assistants shall assign
6 clerical support staff to the Commission, and the expenses relating to the clerical employees
7 shall be borne by the Commission.

8 **SECTION 1.(f)** The Commission, while in the discharge of its official duties, may
9 exercise all powers provided for under G.S. 120-19 and G.S. 120-19.1 through G.S. 120-19.4.
10 The Commission may contract for professional, clerical, or consultant services as provided by
11 G.S. 120-32.02.

12 **SECTION 1.(g)** Members of the Commission shall receive subsistence and travel
13 expenses at the rates set forth in G.S. 120-3.1, 138-5, or 138-6, as appropriate.

14 **SECTION 1.(h)** The Commission shall study issues relating to the development of
15 a State payment in lieu of taxes for State properties, including wildlife and game lands. The
16 Commission may consider any other issues deemed relevant.

17 **SECTION 1.(i)** The Commission may submit an interim report on the results of its
18 study, including any proposed legislation, to the members of the Senate and the House of
19 Representatives at any time by filing a copy of the report with the Office of the President Pro
20 Tempore of the Senate, the Office of the Speaker of the House of Representatives, and the
21 Legislative Library. The Commission shall submit a final report on the results of its study,
22 including any proposed legislation, to the members of the Senate and the House of
23 Representatives, prior to the convening of the 2017 General Assembly, by filing a copy of the
24 report with the Office of the President Pro Tempore of the Senate, the Office of the Speaker of
25 the House of Representatives, and the Legislative Library. The Committee shall terminate upon
26 the convening of the 2017 General Assembly or upon the filing of its final report, whichever
27 occurs first.

28 **SECTION 2.** The Environmental Review Commission is directed to study issues
29 relating to statewide approaches to control invasive aquatic noxious weeds in the State's waters,
30 including funding needed to support statewide control. The Commission may consider any
31 other issues deemed relevant.

32 The Commission shall report its findings and recommendation on statewide
33 approaches to control invasive aquatic weeds to the 2016 Regular Session of the 2015 General
34 Assembly.

35 **SECTION 3.** The Revenue Laws Study Committee is directed to study issues
36 relating to the financial impacts on local governments of exempting previously taxable
37 properties from the property tax base when acquired by nonprofits. The Committee may
38 consider any other issues deemed relevant.

39 The Committee shall report its findings and recommendation on the financial
40 impacts of exempting previously taxable properties to the 2016 Regular Session of the 2015
41 General Assembly.

42 **SECTION 4.** G.S. 153A-292 reads as rewritten:

43 "**§ 153A-292. County collection and disposal ~~facilities-facilities; residential recyclable~~**
44 **collection programs.**

45 (a) The board of county commissioners of any county may establish and operate solid
46 waste collection and disposal facilities in areas outside the corporate limits of a city. The board
47 may by ordinance regulate the use of a disposal facility provided by the county, the nature of
48 the solid wastes disposed of in a facility, and the method of disposal. The board may contract
49 with any city, individual, or privately owned corporation to collect and dispose of solid waste
50 in the area. Counties and cities may establish and operate joint collection and disposal facilities.
51 A joint agreement shall be in writing and executed by the governing bodies of the participating

1 units of local government. The board may, by ordinance, establish a program for the collection
2 of residential recyclable materials.

3 (b) The board of county commissioners may impose a fee for the collection of solid
4 waste. The fee may not exceed the costs of collection.

5 The board of county commissioners may impose a fee for the use of a disposal facility
6 provided by the county. Except as provided in this subsection, the fee for use may not exceed
7 the cost of operating the facility. The fee may exceed those costs if the county enters into a
8 contract with another local government located within the State to accept the other local
9 government's solid waste and the county by ordinance levies a surcharge on the fee. The fee
10 authorized by this paragraph may only be used to cover the costs of operating the facility. The
11 surcharge authorized by this paragraph may be used for any purpose for which the county may
12 appropriate funds. A fee under this paragraph may be imposed only on those who use the
13 facility. The fee for use may vary based on the amount, characteristics, and form of recyclable
14 materials present in solid waste brought to the facility for disposal. A county may not impose a
15 fee for the use of a disposal facility on a city located in the county or a contractor or resident of
16 the city unless the fee is based on a schedule that applies uniformly throughout the county.

17 The board of county commissioners may impose a fee for the availability of a disposal
18 facility provided by the county. A fee for availability may not exceed the cost of providing the
19 facility and may be imposed on all improved property in the county that benefits from the
20 availability of the facility. A county may not impose an availability fee on property whose solid
21 waste is collected by a county, a city, or a private contractor for a fee if the fee imposed by a
22 county, a city, or a private contractor for the collection of solid waste includes a charge for the
23 availability and use of a disposal facility provided by the county. Property served by a private
24 contractor who disposes of solid waste collected from the property in a disposal facility
25 provided by a private contractor that provides the same services as those provided by the
26 county disposal facility is not considered to benefit from a disposal facility provided by the
27 county and is not subject to a fee imposed by the county for the availability of a disposal
28 facility provided by the county. To the extent that the services provided by the county disposal
29 facility differ from the services provided by the disposal facility provided by a private
30 contractor in the same county, the county may charge an availability fee to cover the costs of
31 the additional services provided by the county disposal facility.

32 The board of county commissioners may impose a fee for a residential recyclable materials
33 collection program provided by the county. The fee may not exceed the cost of providing the
34 collection service and may be imposed on all benefited improved property along designated
35 collection routes. A county may not impose a recyclable materials collection program fee on
36 improved property from which residential recyclable material is collected by a private
37 contractor for a fee if the private contractor collects the same recyclable materials as those
38 collected by the county collection program. The fee may be imposed in full if the private
39 contractor does not, at a minimum, collect the same recyclable materials collected by the
40 county. Upon presentation to the county of a valid contract for recyclable materials collection
41 service between the property owner or current resident and a private contractor, the improved
42 property is not considered to benefit from a residential recyclable materials collection program
43 provided by the county and is not subject to a fee imposed by the county for the residential
44 recyclable materials collection program provided by the county. A prorated fee may be
45 assessed to benefit improved property for any portion of a calendar year the property is not
46 served by a private contractor.

47 In determining the costs of providing and operating a disposal ~~facility,~~ facility or residential
48 recyclable materials collection program, a county may consider solid waste management costs
49 incidental to a county's handling and disposal of solid waste at its disposal ~~facility,~~ facility or
50 operating its residential materials collection program, including the costs of the methods of
51 solid waste management specified in G.S. 130A-309.04(a) of the Solid Waste Management Act

1 of 1989. A fee for the availability or use of a disposal facility may be based on the combined
2 costs of the different disposal facilities provided by the county. A fee for the residential
3 recyclable materials collection program may be based on the combined costs of collecting
4 different materials and may be based on the differing levels of service provided.

5 A county may operate a residential recyclable materials collection program within the
6 corporate limits of a city if the governing body of the city adopts a resolution to that effect.

7 (b1) ~~The collection, disposal, and availability~~ fees authorized by this section may be used
8 to cover the cost of waste management programs in the jurisdiction, including the collection of
9 waste and the collection of litter along public roadways.

10 (c) The board of county commissioners may use any suitable vacant land owned by the
11 county for the site of a disposal facility, subject to the permit requirements of Article 9 of
12 Chapter 130A of the General Statutes. If the county does not own suitable vacant land for a
13 disposal facility, it may acquire suitable land by purchase or condemnation. The board may
14 erect a gate across a highway that leads directly to a disposal facility operated by the county.
15 The gate may be erected at or in close proximity to the boundary of the disposal facility. The
16 county shall pay the cost of erecting and maintaining the gate.

17 (d), (e) Repealed by Session Laws 1991, c. 652, s. 1.

18 (f) This section does not prohibit a county from providing aid to low-income persons to
19 pay all or part of the cost of solid waste management services for those persons."

20 **SECTION 5.** This act is effective when it becomes law.