

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 2015

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HOUSE BILL 548

Committee Substitute Favorable 4/29/15

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Senate Rules and Operations of the Senate Committee Substitute Adopted 6/28/16

Short Title: Conforming Changes/Constitutional Amend.

(Public)

Sponsors:

Referred to:

April 2, 2015

A BILL TO BE ENTITLED

AN ACT TO PROVIDE CONFORMING CHANGES UPON THE VOTERS' APPROVAL OF AMENDMENTS TO THE NORTH CAROLINA CONSTITUTION TO PROHIBIT CONDEMNATION OF PRIVATE PROPERTY EXCEPT FOR A PUBLIC USE AND FOR THE PAYMENT OF JUST COMPENSATION WITH RIGHT OF TRIAL BY JURY IN ALL CONDEMNATION CASES, TO PROVIDE FOR TAXPAYER PROTECTIONS THAT ESTABLISH A STATE EMERGENCY SAVINGS RESERVE FUND, AND TO PROTECT THE RIGHT OF THE PEOPLE TO HUNT, FISH, AND HARVEST WILDLIFE.

The General Assembly of North Carolina enacts:

**SECTION 1.(a)** G.S. 40A-3(a) reads as rewritten:

"(a) Private Condemnors. – For the public ~~use or benefit~~, use, the persons or organizations listed below shall have the power of eminent domain and may acquire by purchase or condemnation property for the stated purposes and other works which are authorized by ~~law~~ law:

(1) Corporations, bodies politic or persons have the power of eminent domain for the construction of railroads, power generating facilities, substations, switching stations, microwave towers, roads, alleys, access railroads, turnpikes, street railroads, plank roads, tramroads, canals, ~~telegraphs, telephones,~~ communication facilities, electric power lines, electric lights, public water supplies, public sewerage systems, flumes, bridges, facilities related to the distribution of natural gas, and pipelines or mains ~~originating in North Carolina~~ for the transportation of petroleum products, coal, natural gas, limestone or minerals. Land condemned for any liquid pipelines shall:

- a. Not be less than 50 feet nor more than 100 feet in width; and
- b. Comply with the provisions of G.S. 62-190(b).

The width of land condemned for any natural gas pipelines shall not be more than 100 feet.

...."

**SECTION 1.(b)** G.S. 40A-3(b) reads as rewritten:

"(b) Local Public Condemnors – Standard Provision. – For the public ~~use or benefit~~, use, the governing body of each municipality or county shall possess the power of eminent domain and may acquire by purchase, gift or condemnation any property, either inside or outside its boundaries, for the following ~~purposes~~ purposes:

...."

**SECTION 1.(c)** G.S. 40A-3(b1) reads as rewritten:



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1 "(b1) Local Public Condemnors – Modified Provision for Certain Localities. – For the public  
2 ~~use or benefit, use,~~ the governing body of each municipality or county shall possess the power of  
3 eminent domain and may acquire by purchase, gift or condemnation any property or interest  
4 therein, either inside or outside its boundaries, for the following ~~purposes.~~purposes:

5 "...."

6 **SECTION 1.(d)** G.S. 40A-3(c) reads as rewritten:

7 "(c) Other Public Condemnors. – For the public ~~use or benefit, use,~~ the following political  
8 entities shall possess the power of eminent domain and may acquire property by purchase, gift, or  
9 condemnation for the stated ~~purposes.~~purposes:

10 "...."

11 **SECTION 1.(e)** G.S. 40A-3 is amended by adding a new subsection to read:

12 "(d) Connection of Customers. – For the public use, private condemnors, local public  
13 condemnors, and other public condemnors in subsections (a), (b), (b1), and (c) of this section shall  
14 possess the power of eminent domain and may acquire by purchase, gift, or condemnation any  
15 property for the connection of any customer or customers."

16 **SECTION 1.(f)** This section becomes effective January 1, 2017, if a majority of votes  
17 are cast in favor of the amendment set out in Section 1.1 of House Bill 3, 2015 Regular Session,  
18 and applies to takings occurring on or after that date.

19 **SECTION 2.(a)** G.S. 143C-4-2 reads as rewritten:

20 "**§ 143C-4-2. Emergency Savings Reserve Account Fund and appropriation of General Fund**  
21 **unreserved fund balance.**

22 (a) ~~Creation and Source of Funds of Reserve.~~ – ~~The~~ In accordance with Article XV of the  
23 North Carolina Constitution, the Emergency Savings Reserve Account Fund is established as a  
24 reserve in the General Fund. The Controller shall reserve to the Emergency Savings Reserve  
25 ~~Account one fourth of any unreserved fund balance, as determined on a cash basis, remaining in~~  
26 ~~the General Fund at the end of~~ Fund those funds designated as reserved by the General Assembly  
27 each fiscal year.

28 (b) Use of Funds. – ~~The~~ Emergency Savings Reserve Account Fund is a component of the  
29 unappropriated General Fund balance. Funds reserved to the Emergency Savings Reserve Account  
30 Fund shall be available for expenditure only upon an act of appropriation by the General  
31 ~~Assembly.~~ Assembly in accordance with Article XV of the North Carolina Constitution.

32 (c) ~~Goal for Savings Reserve Account Fund Balance.~~ – The General Assembly recognizes  
33 the need to establish and maintain sufficient reserves to address unanticipated events and  
34 circumstances such as natural disasters, economic downturns, threats to public safety, health, and  
35 welfare, and other emergencies. ~~It is a goal of the~~ The General Assembly and the State ~~to~~ shall  
36 accumulate and maintain a balance in the Emergency Savings Reserve Account Fund equal to or  
37 greater than eight percent (8%)–twelve and one-half percent (12.5%) of the prior year's General  
38 Fund operating budget amount reserved from the General Fund, excluding General Fund receipts,  
39 for capital and operating expenses for the prior fiscal year."

40 **SECTION 2.(b)** G.S. 142-15.4 reads as rewritten:

41 "**§ 142-15.4. Savings from refinancing of general obligation bonds to be placed in the**  
42 **Emergency Savings Reserve Account Fund.**

43 Whenever general obligation bonds issued or incurred by the State are refinanced:

- 44 (1) The General Assembly shall not reduce the funds appropriated for servicing the  
45 refinanced debt during the fiscal biennium in which the refinancing occurs.
- 46 (2) The State Controller shall, in conjunction with the State Treasurer, periodically  
47 transfer the savings resulting from the refinancing of the debt to the Emergency  
48 Savings Reserve Account Fund established pursuant to G.S. 143C-4-2 during  
49 the fiscal biennium in which the refinancing occurs.

- 1 (3) The Director of the Budget shall, in the fiscal biennium immediately following  
2 the refinancing, adjust the amount of debt service funded in the base budget so  
3 that it aligns with actual debt service needs."

4 **SECTION 2.(c)** G.S. 142-96 reads as rewritten:

5 "**§ 142-96. Savings from refinancing of special indebtedness to be placed in the Emergency**  
6 **Savings Reserve Account-Fund.**

7 Whenever special indebtedness issued or incurred pursuant to this Article is refinanced:

- 8 (1) The General Assembly shall not reduce the funds appropriated for servicing the  
9 refinanced debt during the fiscal biennium in which the refinancing occurs.  
10 (2) The State Controller shall, in conjunction with the State Treasurer, periodically  
11 transfer the savings resulting from the refinancing of the debt to the Emergency  
12 Savings Reserve Account-Fund established pursuant to G.S. 143C-4-2 during  
13 the fiscal biennium in which the refinancing occurs.  
14 (3) The Director of the Budget shall, in the fiscal biennium immediately following  
15 the refinancing, adjust the amount of debt service funded in the base budget so  
16 that it aligns with actual debt service needs."

17 **SECTION 2.(d)** This section is effective for fiscal years beginning on or after July 1,  
18 2017, if a majority of votes are cast in favor of the amendment set out in Section 2.1 of House Bill  
19 3, 2015 Regular Session.

20 **SECTION 3.(a)** G.S. 143-239 reads as rewritten:

21 "**§ 143-239. Statement of purpose.**

22 The purpose of this Article is to ~~create~~establish reasonable regulations to promote wildlife  
23 conservation and management and to preserve the future of hunting and fishing by creating a  
24 separate State agency to be known as the North Carolina Wildlife Resources Commission, the  
25 function, purpose, and duty of which shall be to manage, restore, develop, cultivate, conserve,  
26 protect, and regulate the wildlife resources of the State of North Carolina, and to administer the  
27 laws relating to game, game and freshwater fishes, and other wildlife resources enacted by the  
28 General Assembly to the end that there may be provided a sound, constructive, comprehensive,  
29 continuing, and economical game, game fish, and wildlife program directed by qualified,  
30 competent, and representative citizens, who shall have knowledge of or training in the protection,  
31 restoration, proper use and management of wildlife resources."

32 **SECTION 3.(b)** This section becomes effective January 1, 2017, if a majority of votes  
33 are cast in favor of the amendment set out in Section 3.1 of House Bill 3, 2015 Regular Session.

34 **SECTION 4.** Except as otherwise provided, this act is effective when it becomes law.