

GENERAL ASSEMBLY OF NORTH CAROLINA
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SENATE DRS45221-LM-112B (03/12)

Short Title: County Omnibus Legislation. (Public)

Sponsors: Senators J. Davis and Foushee (Primary Sponsors).

Referred to:

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

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.

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



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

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

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

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

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

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

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

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

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

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

41 "**§ 153A-292. County collection and disposal ~~facilities-facilities; residential recyclable~~**
42 **collection programs.**

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

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

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

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

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

45 In determining the costs of providing and operating a disposal ~~facility, facility or residential~~
46 recyclable materials collection program, a county may consider solid waste management costs
47 incidental to a county's handling and disposal of solid waste at its disposal ~~facility, facility or~~
48 operating its residential materials collection program, including the costs of the methods of
49 solid waste management specified in G.S. 130A-309.04(a) of the Solid Waste Management Act
50 of 1989. A fee for the availability or use of a disposal facility may be based on the combined
51 costs of the different disposal facilities provided by the county. A fee for the residential

1 recyclable materials collection program may be based on the combined costs of collecting
2 different materials and may be based on the differing levels of service provided.

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

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

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

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

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

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