

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2015

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HOUSE BILL 430\*  
Committee Substitute Favorable 4/16/15  
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Short Title: County Omnibus Legislation.

(Public)

Sponsors:

Referred to:

April 1, 2015

A BILL TO BE ENTITLED

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

The General Assembly of North Carolina enacts:

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

- (1) Three members of the House of Representatives appointed by the Speaker of the House of Representatives.
- (2) Three members of the Senate appointed by the President Pro Tempore of the Senate.
- (3) The Secretary of Revenue or the Secretary's designee.
- (4) Three members of the public appointed by the Speaker of the House of Representatives, two based on the recommendation of the North Carolina Association of County Commissioners and one based on the recommendation of the North Carolina League of Municipalities.
- (5) Three members of the public appointed by the President Pro Tempore of the Senate, two based on the recommendation of the North Carolina Association of County Commissioners and one based on the recommendation of the North Carolina League of Municipalities.

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

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



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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 Commission shall terminate  
26 upon the convening of the 2017 General Assembly or upon the filing of its final report,  
27 whichever 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 recommendations 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, but it shall not consider the taxation of real or  
39 personal property used for religious purposes.

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

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

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

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

1 A joint agreement shall be in writing and executed by the governing bodies of the participating  
2 units of local government. The board may, by ordinance, establish a program for the collection  
3 of residential recyclable materials.

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

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

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

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

48 In determining the costs of providing and operating a disposal ~~facility,~~ facility or residential  
49 recyclable materials collection program, a county may consider solid waste management costs  
50 incidental to a county's handling and disposal of solid waste at its disposal ~~facility,~~ facility or  
51 operating its residential materials collection program, including the costs of the methods of

1 solid waste management specified in G.S. 130A-309.04(a) of the Solid Waste Management Act  
2 of 1989. A fee for the availability or use of a disposal facility may be based on the combined  
3 costs of the different disposal facilities provided by the county. A fee for the residential  
4 recyclable materials collection program may be based on the combined costs of collecting  
5 different materials and may be based on the differing levels of service provided.

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

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

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

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

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

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