

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

1

HOUSE BILL 708

Short Title: Preservation of Historic/Heritage Trees. (Public)

Sponsors: Representatives Hamilton and Torbett (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Local Government, if favorable, Environment, if favorable, Regulatory Reform.

April 15, 2015

A BILL TO BE ENTITLED

AN ACT DIRECTING STATE DEPARTMENTS, BOARDS, COMMISSIONS, AND AGENCIES TO GIVE CONSIDERATION TO A TREE DESIGNATED AS HISTORIC OR HERITAGE BY A CITY OR COUNTY PRIOR TO TAKING ANY ACTION THAT MAY HARM THE TREE.

The General Assembly of North Carolina enacts:

SECTION 1. Article 19 of Chapter 160A of the General Statutes is amended by adding a new section to read:

"§ 160A-400.16. Preservation of trees designated as historic or heritage.

(a) A city may provide an advisory and coordinative mechanism in and by which State undertakings of every kind that are potentially harmful to trees designated by the city as historic or heritage may be discussed, and where possible, resolved, giving due consideration to the competing public interests that may be involved. To this end, the head of any State agency having direct or indirect jurisdiction over a proposed State or State-assisted undertaking, or the head of any State department, board, commission, or independent agency having authority to build, construct, operate, license, authorize, assist, or approve any State or State-assisted undertaking, shall, prior to the approval of any State funds for the undertaking, or prior to any approval, license, or authorization, as the case may be, take into account the effect of the undertaking on any tree designated by a city as historic or heritage.

(b) Where, in the judgment of a city, an undertaking will have an effect upon any tree designated by the city as historic or heritage, the head of the appropriate State agency shall afford the city a reasonable opportunity to comment with regard to the undertaking.

(c) A city shall act with reasonable diligence to ensure that all State departments, boards, commissions, or agencies potentially affected by the provisions of this section be kept currently informed with respect to the name, location, and other significant particulars of any tree designated as historic or heritage by the city. Each affected State department or agency shall furnish, either upon its own initiative or at the request of a city, any information that may reasonably be required by a city for the proper implementation of this section."

SECTION 2. Article 23 of Chapter 153A of the General Statutes is amended by adding a new section to read:

"§ 153A-437.1. Preservation of trees designated as historic or heritage.

A county shall have the same authority regarding the preservation of trees designated as historic or heritage as is provided to cities in G.S. 160A-400.16. Any reference to "city" in G.S. 160A-400.16 shall be construed to mean "county" for purposes of this section."



1 **SECTION 3.** This act is effective when it becomes law and applies to actions taken
2 by State departments, boards, commissions, and agencies on or after that date.