

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE PRINCIPAL CLERK

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HOUSE DRH20248-ML-219 (3/29)

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

Sponsors: Representatives Hamilton and Torbett (Primary Sponsors).

Referred to:

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

6 The General Assembly of North Carolina enacts:

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

9 **"§ 160A-400.16. Preservation of trees designated as historic or heritage.**

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

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

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

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

31 **"§ 153A-437.1. Preservation of trees designated as historic or heritage.**

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

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

