

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

H

D

HOUSE BILL 548
Committee Substitute Favorable 4/29/15
Third Edition Engrossed 4/30/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H548-PCS40691-ST-127

Short Title: Conforming Changes/Constitutional Amend.

(Public)

Sponsors:

Referred to:

April 2, 2015

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

9 The General Assembly of North Carolina enacts:

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

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

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

23 a. Not be less than 50 feet nor more than 100 feet in width; and

24 b. Comply with the provisions of G.S. 62-190(b).

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

27"

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

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

33"

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



* H 5 4 8 - P C S 4 0 6 9 1 - S T - 1 2 7 *

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~~ 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.