

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

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HOUSE BILL 198
Committee Substitute Favorable 3/15/17
PROPOSED SENATE COMMITTEE SUBSTITUTE H198-PCS40636-RN-23

Short Title: City & County Authority.

(Local)

Sponsors:

Referred to:

February 28, 2017

1 A BILL TO BE ENTITLED
2 AN ACT TO AMEND THE CHARTER OF THE CITY OF FAYETTEVILLE TO
3 AUTHORIZE THE CITY TO ESTABLISH A SMALL BUSINESS ENTERPRISE
4 PROGRAM TO PROMOTE THE DEVELOPMENT OF SMALL BUSINESSES IN THE
5 CITY AND TO ENHANCE THE OPPORTUNITIES FOR SMALL BUSINESSES TO
6 PARTICIPATE IN CITY CONTRACTS AND TO AUTHORIZE CALDWELL COUNTY
7 TO REQUIRE THE PAYMENT OF DELINQUENT PROPERTY TAXES BEFORE
8 RECORDING DEEDS CONVEYING PROPERTY.

9 The General Assembly of North Carolina enacts:

10 **SECTION 1.** Chapter VIII of the Charter of the City of Fayetteville, being Chapter
11 557 of the 1979 Session Laws, as amended, is amended by adding a new Article to read as
12 follows:

13 "Article 10. Small Business Enterprise Program.

14 "§ 8.40. Small Business Enterprise Program. (a) The City may establish a race- and
15 gender-neutral small business enterprise program to promote the development of small
16 businesses in the Fayetteville Metropolitan Statistical Area and to enhance opportunities for
17 small businesses to participate in City contracts. The City may define the term "small business
18 enterprise" as appropriate and consistent with the City's contracting practices. The City may
19 establish bid and proposal specifications that include subcontracting goals and good-faith effort
20 requirements to enhance participation by small business enterprises in City contracts.
21 Notwithstanding the provisions of G.S. 143-129 and G.S. 143-131(b), the City may consider a
22 bidder's efforts to comply with small business enterprise program requirements in its award of
23 City contracts and, if a bidder is determined to have failed to comply with the requirements, the
24 City may, within its discretion, refuse to award a contract to the bidder.

25 (b) The small business enterprise program authorized by this section is intended to
26 supplement and not replace the requirements of G.S. 143-128.2, 143-131(b), or 143-135.5. Any
27 goals or efforts established to achieve veteran, minority, and women's business participation
28 consistent with the requirements of G.S. 143-128.2, 143-131(b), or 143-135.5 shall take
29 precedence over goals for small business enterprise participation established under the program
30 authorized by this section. A small business enterprise program established pursuant to this
31 section shall be deemed consistent with the public policy of the State of North Carolina to
32 promote and utilize small and underutilized business enterprises as set forth in G.S. 143-128.2,
33 143-128.3, and 143-135.5."

34 **SECTION 2.** G.S. 161-31 reads as rewritten:

35 **"§ 161-31. Tax certification.**



* H 1 9 8 - P C S 4 0 6 3 6 - R N - 2 3 *

1 (a) Tax Certification. – The board of commissioners of a county may, by resolution,
2 require the register of deeds not to accept any deed transferring real property for registration
3 unless the county tax collector has certified that no delinquent ad valorem county taxes, ad
4 valorem municipal taxes, or other taxes with which the collector is charged are a lien on the
5 property described in the deed. The county commissioners may describe the form the
6 certification must take in its resolution.

7 (a1) Exception to Tax Certification. – If a board of county commissioners adopts a
8 resolution pursuant to subsection (a) of this section, notwithstanding the resolution, the register
9 of deeds shall accept without certification a deed submitted for registration under the
10 supervision of a closing attorney and containing this statement on the deed: "This instrument
11 prepared by: _____, a licensed North Carolina attorney. Delinquent taxes, if any, to be paid
12 by the closing attorney to the county tax collector upon disbursement of closing proceeds."

13 (b) Applicability. – This section applies only to Alamance, Alexander, Anson, Beaufort,
14 Bertie, Bladen, Brunswick, Buncombe, Burke, Cabarrus, Caldwell, Camden, Carteret, Caswell,
15 Catawba, Cherokee, Chowan, Clay, Cleveland, Columbus, Currituck, Dare, Davidson, Davie,
16 Duplin, Durham, Edgecombe, Forsyth, Franklin, Gaston, Gates, Graham, Granville, Greene,
17 Halifax, Harnett, Haywood, Henderson, Hertford, Hoke, Hyde, Iredell, Jackson, Johnston,
18 Jones, Lee, Lenoir, Lincoln, Macon, Madison, Martin, McDowell, Montgomery, Nash,
19 Northampton, Onslow, Pasquotank, Pender, Perquimans, Person, Pitt, Polk, Robeson,
20 Rockingham, Rowan, Rutherford, Sampson, Stanly, Stokes, Surry, Swain, Transylvania,
21 Tyrrell, Vance, Warren, Washington, Wayne, Wilson, Yadkin, and Yancey Counties."

22 **SECTION 3.** If any provision of this act or its application is held invalid, the
23 invalidity does not affect other provisions or applications of this act that can be given effect
24 without the invalid provisions or applications, and, to this end, the provisions of this act are
25 severable.

26 **SECTION 4.** This act is effective when it becomes law.