

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2017

H.B. 929
May 16, 2018
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH30431-BDx-11A

Short Title: Recreation Service District - Johnston County. (Local)

Sponsors: Representatives White and Strickland (Primary Sponsors).

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO AUTHORIZE JOHNSTON COUNTY TO ESTABLISH A RECREATION
3 SERVICE DISTRICT BY REFERENDUM.

4 The General Assembly of North Carolina enacts:

5 SECTION 1. This act applies only to Johnston County.

6 SECTION 2. G.S. 153A-302 reads as rewritten:

7 "~~§ 153A-302. Definition of service districts.~~Procedure for establishing service districts.

8 (a) Standards. – In determining whether to establish a proposed service district, the board
9 of commissioners shall consider all of the following:

- 10 (1) The resident or seasonal population and population density of the proposed
11 district.
12 (2) The appraised value of property subject to taxation in the proposed district.
13 (3) The present tax rates of the county and any cities or special districts in which
14 the district or any portion thereof is located.
15 (4) The ability of the proposed district to sustain the additional taxes necessary to
16 provide the services planned for the district.
17 (5) If it is proposed to furnish water, sewer, or solid waste collection services in
18 the district, the probable net revenues of the projects to be financed and the
19 extent to which the services will be self-supporting.
20 (6) Any other matters that the commissioners believe to have a bearing on
21 whether the district should be established.

22 (a1) Findings. – The board of commissioners may establish a service district in accordance
23 with this section if, upon the information and evidence it receives, the board finds that all of the
24 following apply:

- 25 (1) There is a demonstrable need for providing in the district one or more of the
26 services listed in G.S. 153A-301.
27 (2) It is impossible or impracticable to provide those services on a countywide
28 basis.
29 (3) It is economically feasible to provide the proposed services in the district
30 without unreasonable or burdensome annual tax levies.
31 (4) There is a demonstrable demand for the proposed services by persons residing
32 in the district.

33 Territory lying within the corporate limits of a city or sanitary district may not be included
34 unless the governing body of the city or sanitary district agrees by resolution to such inclusion.

35 (b) Report. – Before the public hearing required by subsection (c), the board of
36 commissioners shall cause to be prepared a report containing:



* D R H 3 0 4 3 1 - B D X - 1 1 A *

- 1 (1) A map of the proposed district, showing its proposed boundaries;
- 2 (2) A statement showing that the proposed district meets the standards set out in
- 3 subsection (a); and
- 4 (3) A plan for providing one or more of the services listed in G.S. 153A-301 to
- 5 the district.

6 The report shall be available for public inspection in the office of the clerk to the board for at
7 least four weeks before the date of the public hearing.

8 (c) Hearing and Notice. – The board of commissioners shall hold a public hearing before
9 ~~adopting any resolution defining establishing~~ a new service district under this section. Notice of
10 the hearing shall state the date, hour, and place of the hearing and its subject, and shall include a
11 map of the proposed district and a statement that the report required by subsection (b) is available
12 for public inspection in the office of the clerk to the board. The notice shall be published at least
13 once not less than one week before the date of the hearing. In addition, it shall be mailed at least
14 four weeks before the date of the hearing by any class of U.S. mail ~~which that~~ is fully prepaid to
15 the owners as shown by the county tax records as of the preceding January 1 (and at the address
16 shown thereon) of all property located within the proposed district. The person designated by the
17 board to mail the notice shall certify to the board that the mailing has been completed and ~~his the~~
18 certificate is conclusive in the absence of fraud.

19 (c1) Procedure. – After complying with subsections (a) through (c) of this section, the
20 board of commissioners may establish a service district as provided in this subsection. For any
21 of the purposes set out in G.S. 153A-301, a service district may be established by resolution of
22 the board of commissioners. A recreation service district may also be established by an advisory
23 referendum in which a majority of the voters voting within the proposed recreation service district
24 vote in favor of the establishment of the recreation service district. To establish a recreation
25 service district by advisory referendum, the board of county commissioners shall file with the
26 county board of elections an accurate description of the proposed district boundaries and direct
27 the county board of elections to conduct an advisory referendum within the proposed recreation
28 service district. The county board of commissioners shall pay the expense of the election. The
29 election shall be held in accordance with the applicable provisions of Article 27 of Chapter 163A
30 of the General Statutes. The form of the question as stated on the ballot shall be in substantially
31 the following words:

32 " FOR establishing the _____ recreation service district of Johnston County.

33 AGAINST establishing the _____ recreation service district of Johnston County."

34 If a majority of the voters voting in the election vote in favor of the establishment of the
35 recreation service district, the board of commissioners may adopt a resolution establishing the
36 recreation service district.

37 (d) Effective Date. – The resolution ~~defining establishing~~ a service district shall take
38 effect at the beginning of a fiscal year commencing after its passage, as determined by the board
39 of commissioners.

40"

41 **SECTION 3.** This act is effective when it becomes law.