

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2019

H

D

HOUSE BILL 758
Committee Substitute Favorable 4/29/19
Committee Substitute #2 Favorable 5/23/19
PROPOSED SENATE COMMITTEE SUBSTITUTE H758-PCS40499-BRx-25

Short Title: MSD Expansion and Governance/DACS Study.

(Public)

Sponsors:

Referred to:

April 16, 2019

1 A BILL TO BE ENTITLED
2 AN ACT TO EXPAND THE MEMBERSHIP OF CERTAIN METROPOLITAN SEWERAGE
3 DISTRICTS, AND TO DIRECT THE DEPARTMENT OF AGRICULTURE AND
4 CONSUMER SERVICES TO STUDY WILDLIFE ENHANCEMENT, INVASIVE
5 SPECIES CONTROL, AND NATIVE HABITAT RESTORATION ON PROPERTIES
6 MANAGED BY THE STATE.

7 The General Assembly of North Carolina enacts:

8 SECTION 1. Article 5 of Chapter 162A of the General Statutes is amended by
9 adding a new section to read:

10 "**§ 162A-68.5. Alternate procedure for inclusion of additional political subdivision.**

11 (a) Notwithstanding G.S. 162A-67 and G.S. 162A-68, any time subsequent to the
12 creation of a district, the district shall be expanded in accordance with this section to include
13 territory of a requesting county if the governing board of the county submits a resolution
14 requesting inclusion in the district and the county meets all of the following criteria:

- 15 (1) The county is contracting with the district for bulk service.
16 (2) The district has installed a sewage disposal system, sewerage system, sewers,
17 or any portion thereof, in that county.
18 (3) The district serves customers in that county as of the date of the resolution.

19 (b) Upon receipt of a resolution described in subsection (a) of this section, the district
20 board shall send to the Environmental Management Commission and the requesting county all
21 of the following:

- 22 (1) A map or maps of the district showing each of the following:
23 a. The present and proposed new boundaries of the district.
24 b. The existing sewage disposal system, sewerage system, and sewers.
25 c. Any proposed extension of the sewage disposal system, sewerage
26 system, sewer, including any sewer interceptors and outfalls.
27 (2) A description of any proposed extension of sewerage services to the
28 requesting county, which shall address all of the following:
29 a. Extension of sewerage service to the requesting county on
30 substantially the same basis and in the same manner as such services
31 are provided within the rest of the district prior to inclusion of the new
32 territory.
33 b. A proposed time schedule for extension of sewerage service to the
34 requesting county.



* H 7 5 8 - P C S 4 0 4 9 9 - B R X - 2 5 *

1 c. The estimated cost of extension of sewerage service to the requesting
2 county; the method by which the district board proposes to finance the
3 extension; the outstanding existing indebtedness of the district, if any;
4 and the valuation of assessable property within the district and within
5 the requesting county.

6 (3) An analysis of the inclusion of the territory in the district.

7 (c) The Environmental Management Commission shall review the documents submitted
8 under subsection (b) of this section and shall, in conjunction with the requesting county, set a
9 time and place within the requesting county for a public hearing. The chair of the governing body
10 of the requesting county shall give prior notice of such hearing by posting a notice at the
11 courthouse door of the requesting county at least 30 days prior to the hearing and also by
12 publication at least once a week for four successive weeks in a newspaper or newspapers having
13 general circulation in the district and in the requesting county, the first publication to be at least
14 30 days prior to such public hearing.

15 (d) If, after the public hearing, the Environmental Management Commission determines
16 that the inclusion of the territory will not adversely affect customer service in the district and will
17 preserve and promote the public health and welfare of the district, the Environmental
18 Management Commission shall adopt a resolution expanding and defining the boundaries of the
19 district to include the territory in the district. Such resolution shall state an effective date of the
20 inclusion of the territory in the district.

21 (e) Any action or proceeding in any court to set aside a resolution of the Environmental
22 Management Commission, or to obtain any other relief upon the ground that such resolution or
23 any proceeding or action taken with respect to the inclusion of the requesting county within the
24 district is invalid, must be commenced within 30 days after the effective date of the resolution
25 adopted by the Environmental Management Commission. After the expiration of such period of
26 limitation, no right of action or defense founded upon the invalidity of the resolution or the
27 inclusion of the requesting county in the district shall be asserted, nor shall the validity of the
28 resolution or the inclusion of the requesting county be open to question in any court upon any
29 ground whatever, except in an action or proceeding commenced within such period.

30 (f) Any territory of the requesting county included within an existing district by
31 resolution of the Environmental Management Commission shall be subject to all debts of the
32 district.

33 (g) Upon inclusion in the district, the district board shall be expanded by two members,
34 who shall be qualified registered voters residing in the territory added to the district and appointed
35 by the governing body of the requesting county. The terms of office of the members appointed
36 under this subsection may be varied for a period not to exceed six months from the terms provided
37 for in G.S. 162A-67 so that the appointment of successors to such members may more nearly
38 coincide with the appointment of successors to members of the existing district board. All
39 successor members shall be appointed for the terms provided for in G.S. 162A-67.

40 (h) G.S. 162A-67(a)(4) and G.S. 162A-68 shall not apply to any expansion under this
41 section."

42

43 **DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES STUDY OF**

44 **STATE-MANAGED PROPERTIES**

45 **SECTION 2.(a)** The Department of Agriculture and Consumer Services' Plant
46 Industry Division shall study and report on wildlife enhancement, invasive species control, and
47 native habitat restoration on properties managed by the State. The Division shall include the
48 following in its study and report:

49 (1) The amount of funds and other resources dedicated by each State agency land
50 manager (including the Department of Natural and Cultural Resources, the
51 Wildlife Resources Commission, the Department of Environmental Quality,

1 and the Department of Agriculture and Consumer Services) to habitat
2 management for wildlife enhancement, including, but not limited to, invasive
3 species removal, prescribed burning, selective thinning, and native plant
4 restoration.

5 (2) The potential need for each State agency land manager for additional funding
6 or positions necessary to support wildlife enhancement, including invasive
7 species removal, prescribed burning, selective thinning, and native plant
8 restoration.

9 (3) Identification of existing federal funding sources for wildlife enhancement on
10 State-managed properties and missed match opportunities with State
11 resources.

12 **SECTION 2.(b)** The Department shall provide its report to the Joint Legislative
13 Oversight Committee on Agriculture and Natural and Economic Resources and the Fiscal
14 Research Division no later than April 1, 2020.

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