



HOUSE BILL 1009: Retired Service Animals/Certain Local Gov'ts.

2016-2017 General Assembly

Committee:	House Local Government	Date:	May 24, 2016
Introduced by:	Reps. Adcock, Dollar, Malone, Avila	Prepared by:	Erika Churchill
Analysis of:	PCS to Second Edition H1009-CSST-104		Committee Co-Counsel

SUMMARY: *The proposed committee substitute for House Bill 1009 would allow the Towns of Apex, Cary, Garner, Knightdale, Morrisville, Rolesville, Wake Forest and Zebulon and the counties of Guilford, Moore, Randolph, and Surry and all of the municipalities in those counties, to transfer retired public service animals used by the local government to the officer or employee who had normal custody and control of the animal during its public service.*

[As introduced, this bill was identical to S849, as introduced by Sens. Barringer, Chaudhuri, Foushee, which is currently in Senate State and Local Government.]

CURRENT LAW: Article 12 of Chapter 160A of the North Carolina General Statutes establishes the procedures city and county governments generally follow to dispose of real and personal property. Subject to certain limitations, a city may dispose of property belonging to the city only by:

- Private negotiation and sale;
- Advertisement for sealed bids;
- Negotiated offer, advertisement, and upset bid;
- Public auction; or
- Exchange.

Additionally, G.S. 20-187.2 authorizes law enforcement agencies to, in their discretion and upon request, award the service side arm of a retiring law enforcement officer, to that retiring member or the surviving relatives, at a price determined by such governing body if the governing body determines that the person receiving the weapon may own, possess, or receive a firearm under the provisions of State or federal law, or the weapon has been rendered incapable of being fired. Badges of law enforcement officers may also be given, upon request to a retiring officer or the surviving family of an officer killed in the line of duty under that statute.

The PCS would authorize the towns of Apex, Cary, Garner, Knightdale, Morrisville, Rolesville, Wake Forest and Zebulon and the Counties of Guilford, Moore, Randolph, and Surry, and all of the municipalities that lie, wholly or in part, in those Counties, to transfer a retired service animal, at a price determined by the governing body and upon any other terms and conditions as the governing body deems appropriate, to any of the following:

- The handler.
- A surviving spouse of the handler, or child if no surviving spouse.
- An organization or program dedicated to retired service animals.

Karen Cochrane-Brown
Director



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Legislative Analysis
Division
919-733-2578

House PCS 1009

Page 2

The individual to whom ownership of the animal is transferred must agree to accept ownership, care, and custody of the animal.

EFFECTIVE DATE: Effective when it becomes law.

BACKGROUND: House Bill 1009, applicable only to Apex, Cary, Garner, Knightdale, Wake Forest and Zebulon, was previously given a favorable report by House Local Government and reported to the House Floor. The bill was referred to House Local Government. The PCS adds Morrisville, Rolesville, and the counties of Guilford, Moore, Randolph, and Surry, and all of the municipalities that lie, wholly or in part, in those counties.

House Bill 952, Honor Our Service Animals/Sheriffs Contracts, grants the same authority for service animals to Cleveland and Gaston Counties, and all of the municipalities that lie, wholly or in part, in those counties. That bill passed the House on 5/18/2016, and is currently in Senate State and Local Government.

Senate Bill 831, Duplin/Sampson/Detention Contracts/Animals, grants the same authority for service animals to Duplin and Sampson Counties, and all of the municipalities that lie, wholly or in part, in those counties. That bill passed the Senate on 5/25/16.