



# HOUSE BILL 952: Honor Our Service Animals/Sheriff Contracts.

**This Bill Analysis  
reflects the contents  
of the bill as it was  
presented in  
committee.**

2016-2017 General Assembly

<b>Committee:</b>	House Local Government	<b>Date:</b>	May 17, 2016
<b>Introduced by:</b>	Rep. Hastings	<b>Prepared by:</b>	Erika Churchill
<b>Analysis of:</b>	PCS to First Edition H952-CSST-101		Committee Co-Counsel

**SUMMARY:** *The proposed committee substitute for House Bill 952 would permit the Cleveland County sheriff to purchase food and food supplies for the county's detention facility without complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a) and allow the County of Cleveland and any municipality in Cleveland County to transfer retired public service animals used by a local government in that county to the officer or employee who had normal custody and control of the animal during its service.*

[As introduced, this bill was identical to S809, as introduced by Sen. Daniel, which is currently in Senate State and Local Government.]

### CURRENT LAW & BILL ANALYSIS:

**Section 1:** Article 8 of Chapter 143 sets out the current general law for public bidding contracts.

The relevant sections of Article 8 for bidding of contracts for goods are:

- G.S. 143-129, regarding formal bidding for public construction over \$500,000 and goods over \$90,000.
- G.S. 143-131, regarding informal bidding procedures for goods of \$30,000-\$90,000.

A public school is not required to comply with the requirement to purchase all supplies under Article 8 of Chapter 143 when purchasing supplies and food for such school food services. G.S. 115C-264(c).

S.L. 2015-158 permits the Sheriff's Offices in Cherokee, Haywood, Henderson, Iredell, Jones, Lincoln, Madison, Orange, Transylvania, and Yancey Counties to purchase food and food supplies for the county's detention facility without complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a). S.L. 2015-156 and S.L. 2015-157 granted the same authority to Sheriff's Offices in Alamance, Anson, Beaufort, Caswell, Chowan, Craven, Cumberland, Currituck, Dare, Davidson, Granville, Guilford, Onslow, Pamlico, Pasquotank, Randolph, Rockingham, Stanly, Washington and Wake Counties.

Section 1 would amend S.L. 2015-158 to add the Cleveland County Sheriff's Office to the list of sheriffs permitted to purchase food and supplies for the detention facility without complying with the formal and informal bidding requirements of G.S. 143-129 and G.S. 143-131(a).

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Legislative Analysis  
Division  
919-733-2578

# House PCS 952

Page 2

**Section 2:** 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.

Section 2 would authorize the County of Cleveland and all of the municipalities that lie, wholly or in part, in that County 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, or child if none, of the handler.
- An organization or program dedicated to retired service animals.

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.