



SENATE BILL 831: Duplin/Sampson/Detention Contracts/Animals.

2016-2017 General Assembly

Committee:		Date:	June 23, 2016
Introduced by:	Sen. B. Jackson	Prepared by:	Billy R. Godwin
Analysis of:	Third Edition		Legislative Analyst

SUMMARY: Senate Bill 831 would permit the Duplin and Sampson County Sheriffs 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 Counties of Duplin and Sampson, and any municipality in those counties, 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.

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 Duplin and Sampson County Sheriff's Offices 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).

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;

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- 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 Counties of Duplin and Sampson, 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, 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.

Section 2.5: Provides that should House Bill 550, 2016 Regular Session, become law, Section 2 of this act is repealed. House Bill 550 addresses the disposition of service animals on a Statewide level. A Senate committee substitute for House Bill 550 passed its 3rd Reading on June 22, 2016.

EFFECTIVE DATE: Effective when it becomes law.