



HOUSE BILL 929: Recreation Service District - Johnston County.

2017-2018 General Assembly

Committee:	House State and Local Government I. If favorable, re-refer to Finance	Date:	June 6, 2018
Introduced by:	Reps. White, Strickland	Prepared by:	Billy R. Godwin Staff Attorney
Analysis of:	Filed Edition		

OVERVIEW: *House Bill 929 would authorize Johnston County to conduct an advisory referendum on the creation of a recreation service district. The act would apply only to Johnston County and would become effective when it becomes law.*

CURRENT LAW: *Part 1 of Article 16 of Chapter 153A of the General Statutes authorizes a county board of commissioners (CBOC) to adopt a resolution establishing special service districts for the following purposes:*

1. Beach erosion control and flood and hurricane protection works.
2. Fire protection.
3. Recreation.
4. Sewage collection and disposal systems of all types, including septic tank systems or other on site collection or disposal facilities or systems.
5. Solid waste collection and disposal systems.
6. Water supply and distribution systems.
7. Ambulance and rescue.
8. Watershed improvement projects, drainage projects, and water resources development projects.
9. Cemeteries.
10. Law enforcement.
11. Services permitted by unified governments under Article 24 of Chapter 153A.¹

To create a service district, the CBOC must first prepare a report containing a map of the proposed district, a statement showing the proposed service district meets certain statutory standards, and a plan for providing the service. This report must be available for public inspection at least four weeks prior to the public hearing. Notice of the public hearing must be mailed to property owners within the proposed district at least four weeks prior to the hearing and be published not less than one week prior to the hearing. If from the public hearing the CBOC finds the existence of certain statutory criteria, it may pass a resolution establishing the district and making it effective at the beginning of the next fiscal year.² To pay for the service for which the district is created, the county may, within the district, levy property taxes in addition to those levied throughout the county provided the total rate does not exceed the maximum statutory rate.³

¹ G.S. 153A-301.

² G.S. 153A-302.

³ G.S. 153A-307. The maximum rate is set by G.S. 153A-149(c) at \$1.50 per \$100.00.

Karen Cochrane-Brown
Director



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919-733-2578

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Within one year of the district's effective date, the county must provide, maintain, or let contracts for the services for which the residents are being taxed.⁴ Current law does not authorize a county to conduct a referendum on whether to establish a service district.

BILL ANALYSIS: House Bill 929 would amend G.S. 153A-302 to authorize Johnston County to conduct an advisory referendum on the creation of a recreation service district. Specifically, the act would:

- Allow a *non-binding advisory referendum* within the proposed district on whether to establish a recreation service district.
- Set out the procedure by which the board of commissioners may call for a referendum.
- Limit the referendum procedure to recreation service districts only.
- Require that the referendum costs be paid by the county.
- Provide the ballot language and election procedure for the referendum.

The board of commissioners would retain authority to directly establish the recreation service district by board resolution.

EFFECTIVE DATE: The act would become effective when it becomes law.

Staff attorney Trina Griffin substantially contributed to this bill summary.

⁴ G.S. 153A-305(a).