



# SENATE BILL 190: Expand Special Assessments for Dam Repair.

2019-2020 General Assembly

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<b>Committee:</b>		<b>Date:</b>	December 11, 2019
<b>Introduced by:</b>		<b>Prepared by:</b>	Nicholas Giddings Staff Attorney
<b>Analysis of:</b>	S.L. 2019-190		

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**OVERVIEW:** *S.L. 2019-190 extends the sunset on counties' authority to impose special assessments for dam repair from July 1, 2019 to July 1, 2022, and expands the authority to repair privately-owned dams used for recreational and flood control purposes with a lake between 1,100 and 1,300 acres. The Woodlake dam in Moore County has a lake within this range.*

*S.L. 2019-151 made the sunset extension effective July 1, 2019. The remainder of this act became effective August 1, 2019.*

**CURRENT LAW:** Article 9A of Chapter 153A, enacted in 2008, authorizes counties to impose special assessments on benefitted property as a financing tool for long-term capital projects.

G.S. 153A-210.2(a1), enacted in 2014, authorizes special assessments by a county for repairs to privately-owned dams formerly used for textile mill purposes with a lake between 225 and 325 acres.

A county may impose special assessments if the county receives a petition from a majority of property owners and owners representing a super-majority (66%) of the assessed value of the property in the area to be assessed.

Procedurally, the county board of commissioners adopts a preliminary assessment resolution that describes the project, the basis for making the assessment, the cost, and the terms of payment of the assessment. The assessment method must accurately assess property according to the benefits conferred by the project. The county must hold a public hearing on the matter, prepare a preliminary assessment roll, and publish a confirmation of the assessment roll. An owner of assessed property may appeal to the appropriate division of the General Court of Justice if the owner is dissatisfied with the amount of the assessment.

Article V, Section 4 of the NC Constitution requires public laws relating to the contracting of debts by local government units.

**BILL ANALYSIS:** The act does the following:

- Extends the sunset on counties' authority to impose special assessments for dam repair from July 1, 2019 to July 1, 2022.
- Allows counties to make special assessments against property that is contiguous to a lake and benefits from access to the lake for the purpose of repairing the dam if the dam is privately-owned, formerly used for recreational and flood control, and forms a lake between 1,100 and 1,300 acres.

The Woodlake dam in Moore County has a lake within the newly-allowed range.

In addition to the petition requirements of Article 9 of Chapter 153A, the act requires projects for a lake between 1,100 and 1,300 acres to meet the following conditions:

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1. The board of county commissioners must direct the county board of elections to conduct a referendum on the special assessment.
2. The ballot question on the referendum must read:

"Special assessment for repairing a dam formerly used for recreational and flood control purposes and forming a lake between 1,100 and 1,300 acres."
3. A majority of those voting in the referendum must approve the special assessment.
4. The board of county commissioners, by resolution, must make the special assessment.

**EFFECTIVE DATE:** Session Law 2019-151 made the extension of the sunset on counties' authority to impose special assessments for dam repair, from July 1, 2019 to July 1, 2022, effective July 1, 2019. The remainder of this act became effective August 1, 2019.