

May 9, 2000

S 1183. NCRR AMENDMENTS. TO IMPLEMENT THE RECOMMENDATIONS OF THE FUTURE OF THE NORTH CAROLINA RAILROAD STUDY COMMISSION. Enacts new Art. 2 of GS Ch. 124 specifying powers of State-owned railroad company (including power of eminent domain). Enacts new Art. 3 of GS Ch. 124 establishing procedure for summary removal of encroachments upon property owned by State-owned railroad company. Makes additional conforming amendments to GS Ch. 124. Enacts new GS 136-199 providing that, in absence of clear and unambiguous language to contrary, conveyance of property to State-owned railroad company is presumed to include all subsurface rights below and all air rights above property. Amends GS 62-180 to provide that right to construct, maintain, and operate power and phone lines along railroad may be acquired only by agreement or eminent domain pursuant to GS 62-185. Enacts new GS 14-280.1 to create criminal offense (Class 2 misdemeanor) for trespassing on railroad right-of-way. Exempts employees of State-owned railroad company from provisions of GS Ch. 97. Allows, without consent of General Assembly, sale or transfer of stock in NC Railroad Company (NCRR) owned by State of NC to entity that is wholly owned by State or pursuant to reorganization of NCRR. Provides that dividends of NCRR received by State must be used to reduce specified obligations of NCRR and for improvement of NCRR property. Provides that, effective Jan. 1, 2000, interest shall not be accrued on balance of specified NCRR obligations and that interest accrued for period prior to Jan. 1, 2000 is deemed paid and contributed by State to capital of NCRR. Effective Dec. 1, 2000.

Intro. by Dalton.

Ref. to Commerce	GS 14, 62, 97, 136, 124, 40A

June 14, 2000

S 1183. NCRR AMENDMENTS. Intro. 5/9/00. Senate committee substitute makes the following changes to 1st edition. Provides that conveyance of property to railroad company does not include any valid encumbrance of record. Amends procedure for summary removal of encroachments upon railroad property to specify that encroachment does not include telegraph, telephone, electric power, or lighting company that is exercising rights under eminent domain statutes and to provide that procedure does not apply to claims between railroad companies subject to federal jurisdiction. To exclude from offense of trespassing on railroad property telegraph, telephone, electric power, or lighting company that is exercising rights under eminent domain statutes.

June 30, 2000

S 1183. NCRR AMENDMENTS. Intro. 5/9/00. House committee substitute makes the following changes to 2nd edition. (1) Deletes provisions directing any dividends of the railroad company received by the state to be applied to reduce certain obligations of the railroad and for improvement of the railroad property. (2) Deletes provision repealing GS 124-2 (providing that when an appropriation is made by the state to any work of internal improvement conducted by a corporation, the state is considered a stockholder in the corporation. (3) Changes the bill's amendments to GS 124-3 detailing the information to be included in a report from the railroad (or other internal improvement) to the Joint Legislative Commission on Governmental Affairs, restoring required information regarding debt and adds provisions authorizing the governor or any committee of the General Assembly to request additional information and specifying how confidential information is to be handled. (4) Limits the authority found in new GS 124-12 for the railroad to lease, license or improve its right-of-way to "the purpose of preserving and protecting its railroad corridor and franchise" (original bill, "for any purpose"). (5) Adds a provision specifying that nothing in Chapter 124 is to limit the rights of shareholders of the railroad company as provided in Chapter 55. (6) Deletes addition of new GS 136-199 providing that in general a conveyance of property to a railroad company is presumed to include all subsurface and air rights. (7) Adds a provision to GS 40A-3(a) authorizing condemnations in fee simple by the state-owned railroad for certain purposes. (8) Deletes from bill all provisions adding new Article 3 ("Summary Removal of Encroachments") from GS Chapter 124.

July 7, 2000

S 1183. NCRR AMENDMENTS. Intro. 5/9/00. House amendment makes the following changes to 3rd edition. Repeals amendment of GS 124-3 (information reporting by state railroad) that appears in SL 2000-67 (budget). Changes effective date for bill's amendment of GS 124-3 to July 1, 2000, from Dec. 1, 2000.